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NEW DELHI, AUGUST 21—AUGUST 27, 2005, SATURDAY/SRAVANA 30—BHADRA 5, 1927

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 18 अगस्त, 2005

का.आ. 2991.—केन्द्रीय सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए असम राज्य सरकार के राजनैतिक (ए) विभाग (सतर्कता प्रकोष्ठ) की दिनांक 13-7-2005 को जारी अधिसूचना सं. पीएलए (V) 191/2003/32-ए द्वारा प्राप्त असम सरकार की सहमति से, गुवाहाटी विश्वविद्यालय के वित्तीय घोटाले के संबंध में भारतीय दंड संहिता, 1860 की धारा 409 (1860 का अधिनियम संख्या 45) के अन्तर्गत पुलिस थाना जालुकबारी, जिला कामरूप में दिनांक 17-09-2003 को दर्ज मामला संख्या 400/2003 के अन्वेषण और उक्त अपराध से संबंधित प्रयासों, दुष्चरणों तथा षडयंत्रों एवं अथवा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण असम राज्य पर करती है।

[सं. 228/16/2005-ए.वी.डी.-II]

चन्द्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 18th August, 2005

S.O. 2991.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Assam, Political (A) Department (Vigilance Cell) vide Notification issued in Memo No. PLA (V) 191/2003/32-A dated 13-07-2005, hereby extends the powers and jurisdiction of the members of the Delhi Special Establishment to the whole of the State of Assam for investigation of Case No. 400/2003, dated 17-9-2003 under Section 409 of the Indian Penal Code, 1860 (Act No. 45 of 1860) registered at Police Station Jhalukbari, District Kamrup relating to financial Scam of Guwahati University and attempt abetments and conspiracy in relation to or in connection with the said offence and any other offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/16/2005-AVD-II]

CHANDRA PRAKASH, Under Secy.

**OFFICE OF THE COMMISSIONER OF CENTRAL
EXCISE : JALANDHAR
(HQRS AT CHANDIGARH)
CORRIGENDUM**

Jalandhar, the 17th August, 2005

S.O. 2992.—Reference to the Notification issued vide this office C. No. VIII (HQ) 20/24/DBK/2005/4216-4251 dated 28-7-2005 the Notification No. may be read as 1/2005-CUS (NT) instead 1/2004-CUS (NT)

[C. No. VIII (HQ) 20/24/DBK/2005]

GAUTAM BHATTACHARYA, Commissioner

वित्त मंत्रालय

(राजस्व विभाग)

कार्यालय : आयुक्त, केन्द्रीय उत्पाद शुल्क, जयपुर-द्वितीय

जयपुर, 18 अगस्त, 2005

सीमा शुल्क

का.आ. 2993.—भारत सरकार वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली की अधिसूचना संख्या 33/94 सीमा शुल्क (एन.टी.) दिनांक 1 जुलाई, 1994 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए मैं, जे. चतुर्वेदी, आयुक्त केन्द्रीय उत्पाद शुल्क जयपुर-II एतद्वारा राजस्थान राज्य के जालौर जिले में स्थित ग्राम जालौर-ए, खसरा संख्या 261, को सीमा शुल्क अधिनियम 1962 की धारा 9 (1962 की 52) के अन्तर्गत शत प्रतिशत ई.ओ.यू. स्थापित करने के उद्देश्य से भाण्डागार स्टेशन (वेयरहाउसिंग स्टेशन) घोषित करता हूँ।

[सं. 1/सीमा शुल्क (एन.टी.) जे.पी.-II/2005]

जे. चतुर्वेदी, आयुक्त

MINISTRY OF FINANCE

(Department of Revenue)

**OFFICE OF THE COMMISSIONER, CENTRAL
EXCISE, JAIPUR-II**

Jaipur, the 18th August, 2005

CUSTOMS

S. O. 2993.—In exercise of the powers conferred by Notification No. 33/94 Customs (NT) dated 1st July, 1994 of the Government of India, Ministry of Finance, Department of Revenue, New Delhi, I, J. Chaturvedi, Commissioner, Central Excise, Jaipur-II hereby declare place at Khasra No. 261, Village Jalore-A, Jalore in the State of Rajasthan to be a Warehousing Station under Section 9 of the Customs Act, 1962 (52 of 1962) for the Limited purpose of setting up of 100% export oriented undertaking.

[No. 1/CUS (NT) JP-II/2005]

J. CHATURVEDI, Commissioner

आदेश

नई दिल्ली, 22 जुलाई, 2005

स्टाम्प

का.आ. 2994.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (i) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा आन्ध्र प्रदेश पावर जनरेशन कॉर्पोरेशन लिमिटेड को मात्र छह करोड़ उनतीस लाख छियासठ हजार दो सौ पचास रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त कॉर्पोरेशन द्वारा जारी किए जाने वाले मात्र एक हजार छह सौ उन्नासी करोड़ दस लाख रुपये के समग्र मूल्य के स्वरूप वाले ऋण-पत्रों में 8.10%, 8.15% और 8.40% असुरक्षित, विमोच्य गैर-परिवर्तनीय, एपजेनको (आ.प्र.फ.जे.क.) बन्ध-पत्रों (शृंखला I, II, III) पर स्टाम्प शुल्क के कारण प्रभाव्य है।

[सं. 26/2005-स्टाम्प/फा. सं. 33/32/2005-वि.क.]

आर. जी. छाबड़ा, अवर सचिव

ORDER

New Delhi, the 22nd July, 2005

STAMPS

S. O. 2994.—In exercise of the powers conferred by clause (b) of Sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Andhra Pradesh Power Generation Corporation Limited to pay consolidated stamp duty of Rupees six crore twenty nine lakh sixty six thousand two hundred fifty only on account of the stamp duty on 8.10%, 8.15% and 8.40% Unsecured Redeemable Non-Convertible APGENCO Bonds (Series I, II and III) in the nature of debentures aggregating to Rupees one thousand six hundred seventy nine crore ten lakh only, to be issued by the said Corporation.

[No. 26/2005-STAMP/F.No. 33/32/2005-ST]

R. G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, 12 अगस्त, 2005

स्टाम्प

का.आ. 2995.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (i) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा देना बैंक, मुम्बई को इक्यावन लाख चालीस हजार रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त बैंक द्वारा जारी किए जाने वाले मात्र दो सौ दस करोड़ रुपये के समग्र मूल्य के वचन-पत्रों के स्वरूप के 7.30% असुरक्षित, गैर-परिवर्तनीय, विमोच्य, गौण बंध-पत्रों पर स्टाम्प शुल्क के कारण प्रभाव्य है।

[सं. 28/2005-स्टाम्प/फा.सं. 33/35/2005-वि.क.]

आर. जी. छाबड़ा, अवर सचिव

ORDER

New Delhi, the 12th August, 2005

STAMPS

S. O. 2995.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Dena Bank, Mumbai to pay consolidated stamp duty of rupees fifty one lakh forty thousand only chargeable on account of the stamp duty on 7.30% unsecured, non-convertible, redeemable, subordinated Bonds in the nature of promissory notes aggregating to rupees two hundred ten crore only, to be issued by the said Bank.

[No. 28/2005-STAMP/F.No. 33/35/2005-ST]

R. G. CHHABRA, Under Secy.

(आर्थिक कार्य विभाग)

(बीमा प्रभाग)

नई दिल्ली, 16 अगस्त, 2005

का. आ. 2996.—बीमा विनियामक और विकास प्राधिकरण अधिनियम, 1999 (1999 का 41) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री के.के. श्रीनिवासन, सचिव, प्रशुल्क सलाहकार समिति, मुम्बई को 01-09-2005 को या इसके बाद पदभार ग्रहण करने की तारीख से या उनके 62 वर्ष की आयु प्राप्त करने तक या आगामी आदेशों तक पांच वर्षों की अवधि के लिए उक्त प्राधिकरण में एक पूर्णकालिक सदस्य (गैर-जीवन) के पद पर नियुक्त करती है।

[फा० सं० 11/3/2005-बीमा-IV]

ललित कुमार, उप सचिव

(Department of Economic Affairs,

(Insurance Division)

New Delhi, the 16th August, 2005

S. O. 2996.—In exercise of the powers conferred by Section 4 of the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999), the Central Government hereby appoint Shri K.K. Srinivasan, Secretary, Tariff Advisory Committee, Mumbai, as whole-time Member (Non-Life) of the said Authority for a period of 5 years from the date of assumption of the charge on or after 01-09-2005, till he attains the age of 62 years or until further orders.

[F. No. 11/3/2005-Ins. IV]

LALIT KUMAR, Dy. Secy.

(बैंकिंग प्रभाग)

नई दिल्ली, 19 अगस्त, 2005

का. आ. 2997.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 20 की उप-धारा (3क) और उप-धारा (4) के साथ पठित धारा 19 के खण्ड (ग ख) तथा भारतीय स्टेट बैंक (कर्मचारी निदेशकों की नियुक्ति) नियम, 1974 के नियम 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक

से परामर्श करने के पश्चात् एतद्वारा आल इंडिया स्टेट बैंक आफ इंडिया आफिसर्स फेडरेशन के अध्यक्ष श्री अमर पाल (जो राजभाषा विभाग, स्थानीय मुख्य कार्यालय, चण्डीगढ़ में उप प्रबंधक के पद पर नियुक्त हैं) को इस अधिसूचना की तारीख से 31-3-2008 अर्थात् उनकी अधिवर्षिता की आयु प्राप्त करने की तारीख तक या उनके भारतीय स्टेट बैंक में अधिकारी के पद पर बने रहने तक, जो भी पहले हो, भारतीय स्टेट बैंक के केन्द्रीय निदेशक बोर्ड में अधिकारी कर्मचारी निदेशक के रूप में नामित करती है।

[फा० सं० 8/1/2005-बीओ-1]

जी० बी० सिंह, अवर सचिव

(Banking Division)

New Delhi, the 19th August, 2005

S. O. 2997.—In exercise of the powers conferred by clause (cb) of Section 19 read with sub-section (3A) and sub-section (4) of Section 20 of the State Bank of India Act, 1955 (23 of 1955) and rule 4 of the State Bank of India (Appointment of Employee Directors) Rules, 1974, the Central Government, after consultation with the Reserve Bank of India, hereby nominates Shri Amar Pal, President, All India State Bank of India Officers Federation (posted as Deputy Manager, Official Languages Department, Local Head Office, Chandigarh) as Officer Employee Director on the Central Board of Directors of State Bank of India for a period from the date of notification and upto 31-03-2008, i.e. the date on which he will attain the age of superannuation or until he ceases to be an Officer of State Bank of India, whichever is earlier.

[F. No. 8/1/2005-BO-I]

G. B. SINGH, Under Secy.

विदेश मंत्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 16 अगस्त, 2005

का. आ. 2998.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41का) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का राजदूतावास, बहरीन में श्रीमती मरिया गोरैति कुजूर, सहायक को 16-08-2005 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं. टी-4330/01/2005]

एस. एन. वी. रामाना राव, अवर सचिव (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(C.P. V. Division)

New Delhi, the 16th August, 2005

S. O. 2998.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Smt. Maria Goretti Kujur, Assistant in the Embassy of India, Bahrain to perform the duties of Assistant Consular Officer with effect from 16-08-2005.

[No. T-4330/01/2005]

S. N. V. RAMANA RAO, Under Secy (Cons.)

कृषि एवं ग्रामीण उद्योग मंत्रालय

नई दिल्ली, 12 अगस्त, 2005

का. आ. 2999.—केंद्रीय सरकार, राजभाषा नियम, 1976 के (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 10 के उप-नियम (4) के अनुसरण में, कृषि एवं ग्रामीण उद्योग मंत्रालय के नियंत्रणाधीन कयर बोर्ड, कोच्ची के निम्नलिखित कार्यालयों में हिन्दी का कार्यसाधक ज्ञान रखने वाले कर्मचारियों की संख्या 80% से अधिक हो जाने के फलस्वरूप उन्हें एतद्वारा अधिसूचित करती है :

1. कयर बोर्ड शो-रूम एवं बिक्री केंद्र, नेहरू प्लेस, नई दिल्ली।
2. कयर बोर्ड शो-रूम एवं बिक्री केंद्र, आसफ अली रोड, नई दिल्ली।

[सं. ई-12016/1/2005-हिन्दी]

ए.पी. पादी, संयुक्त सचिव

MINISTRY OF AGRO AND RURAL INDUSTRIES

New Delhi, the 12th August 2005

S. O. 2999.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices under control of the Ministry of ARI where the percentage of Hindi knowing staff has gone above 80%.

1. Coir Board Showroom and Sales Depot, Nehru Place, New Delhi.
2. Coir Board Showroom and Sales Depot, Asaf Ali Road, New Delhi.

[No. E-12016/01/2005-Hindi]

A.P. PADHI, Jt. Secy.

कृषि मंत्रालय

(कृषि एवं सहकारिता विभाग)

नई दिल्ली, 12 अगस्त, 2005

का. आ. 3000.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में कृषि एवं सहकारिता विभाग, कृषि मंत्रालय के प्रशासनिक नियंत्रणाधीन स्वायत्त संगठन नारियल विकास बोर्ड, कोच्ची के निम्नलिखित क्षेत्रीय कार्यालय को जिसके 80% कर्मचारी वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

क्षेत्रीय कार्यालय,
नारियल विकास बोर्ड,
ए एन-6/2204, 11वां मेन रोड,
अण्णानगर, चेन्नै-600040
तमिलनाडु

[संख्या 3-2/20042-हिन्दी नीति]

पी० के० जलाली, संयुक्त सचिव

MINISTRY OF AGRICULTURE

(Department of Agriculture and Cooperation)

New Delhi, the 12th August 2005

S. O. 3000.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rule, 1976, the Central Government hereby notifies the following regional office of the Coconut Development Board, Kochi, Autonomous Body under the Administrative Control of the Department of Agriculture and Cooperation, Ministry of Agriculture, 80% staff whereof have acquired the working knowledge of Hindi :—

Regional Office,
Coconut Development Board,
AN-6/2204, XIth Main Road,
Anna Nagar, Chennai-600040
Tamil Nadu

[No. 3-2/2002-Hindi Neeti]

P. K. JALALI, Jt. Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 4 अगस्त, 2005

का. आ. 3001.—इस मंत्रालय की दिनांक 20-06-2005 की समसंख्यक अधिसूचना के अनुसरण में तथा चलचित्रकी (प्रमाणन) नियमावली, 1983 के नियम 7 व 8 के साथ पठित चलचित्रकी अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, डा. मृणालिनी डी. पटेल को मुम्बई सलाहकार पैनल के सदस्य के रूप में तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, नियुक्त करती है।

[फा. सं. 809/1/2004-एफ (सी)]

पी.पी. नायर, डैस्क अधिकारी

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 4th August, 2005

S. O. 3001.—In continuation of this Ministry's Notification of even number dated 20-6-2005 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Dr. Mrunalini D. Patel as member of the Mumbai Advisory Panel with immediate effect for a period of two years or until further orders, whichever is earlier.

[F.No. 809/1/2004-F (C)]

P. P. NAIR, Desk Officer

खान मंत्रालय

नई दिल्ली, 22 अगस्त, 2005

का. आ. 3002.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम, 10 के उप-नियम (4) के अनुसरण में खान मंत्रालय के एक अधीनस्थ कार्यालय, भारतीय भूवैज्ञानिक सर्वेक्षण (मुख्यालय), कोलकाता के निम्नलिखित कार्यालय, जिसके 80% से अधिक कर्मचारी वृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

भारतीय भूवैज्ञानिक सर्वेक्षण, मध्य क्षेत्र नागपुर।

[सं. ई-12011/1/2003-हिन्दी]

प्रशांत मेहता, संयुक्त सचिव

MINISTRY OF MINES

New Delhi, the 22nd August, 2005

S. O. 3002.—In pursuance of sub-rule (4) of rule 10 of the Official Language (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby notifies the following office of Geological Survey of India, (Headquarter), Kolkata, a subordinate office of Ministry of Mines, where of more than 80% staff have acquired the working knowledge of Hindi.

Geological Survey of India, Central Zone, Nagpur.

[No. E-12011/1/2003-Hindi]

PRASHANT MEHTA, Jt. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 12 अगस्त, 2005

का. आ. 3003.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कोड) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संशोधित भारतीय संख्या मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1) (2)	(3)	(4)
1. 710 : 1976	6, जून, 2005	1 सितम्बर, 2005
2. 1328 : 1996	4, जून, 2005	22 जुलाई, 2005
3. 3129 : 1985	3, जून, 2005	30 जून, 2005
4. 3348 : 1965	2, जून, 2005	30 जून, 2005
5. 3513 (भाग 1) : 1989	2, जुलाई, 2005	31 जुलाई, 2005
6. 3513 (भाग 2) : 1989	1 जून, 2005	30 जून, 2005
7. 4834 : 1968	2, जून, 2005	30 जून, 2005
8. 14842 : 2000	2, जून, 2005	31 अगस्त, 2005

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीईडी/राजपत्र]

जगदीश चन्द्र अरोड़ा, निदेशक व प्रमुख (सिविल इंजीनियरी)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 12th August, 2005

S. O. 3003.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards, Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued.

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	710 : 1976	6 June, 2005	1 September, 2005
2.	1328 : 1996	4 June, 2005	22 July, 2005
3.	3129 : 1985	3 June, 2005	30 June, 2005
4.	3348 : 1965	2 June, 2005	30 June, 2005
5.	3513 (Part 1) : 1989	2 July, 2005	31 July, 2005
6.	3513 (Part 2) : 1989	1 June, 2005	30 June, 2005
7.	4834 : 1968	2 June, 2005	30 June, 2005
8.	14842 : 2000	2 June, 2005	31 August, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : CED/Gazette]

J. C. ARORA, Director & Head (Civil Engg.)

नई दिल्ली, 23 अगस्त, 2005

का. आ. 3004.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संशोधित भारतीय संख्या मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)
1. आई एस 286 : 1978-साबुनों के लिए नमूने लेने और परीक्षण की पद्धतियाँ—विशिष्ट (द्वितीय पुनरीक्षण)	संशोधन संख्या नं. 4, जुलाई 2005	31 जुलाई, 2005

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीएचडी 25/आई एस 286]

डॉ० यू० सी० श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 23rd August, 2005

S. O. 3004.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards, Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)

1.	IS 286 : 1978 Methods of Sampling and Test for Soaps (Second Revision)	Amendment No. 4, July 2005	31 July, 2005
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Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal,

Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CHD 25/IS 286]

Dr. U.C. SRIVASTAVA, Scientist-E, Director & Head (Chemical)

नई दिल्ली, 23 अगस्त, 2005

का. आ. 3005.— भारतीय मानक ब्यूरो नियम, 1987 के नियम-7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संशोधित भारतीय संख्या मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)

1.	आई एस : 10115-1982 फास्फोरस पेन्टासल्फाइड की विशिष्ट	संशोधन संख्या नं. 2, जून, 2005	30 जून, 2005
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इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीएचडी 1/आई एस 10115]

डॉ० यू० सी० श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 23rd August, 2005

S. O. 3005.—In pursuance of clause (b) of sub-rule (1) of rule 7 of the Bureau of Indian Standards, Rules 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)

1.	IS 10115 : 1982 Specification for Phosphorus Pentasulphide	Amendment No. 2, June 2005	30 June, 2005
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Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CHD 1/IS 10115]

Dr. U.C. SRIVASTAVA, Scientist E, Director & Head (Chemical)

नई दिल्ली, 23 अगस्त, 2005

का. आ. 3006.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (को) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 10271 : 1982 जलीय हाइड्रोजन फ्लूराइड, 2005 तकनीकी की विशिष्टि	संशोधन संख्या नं. 3, जून, 2005	30 जून, 2005

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीएचडी 1/आई एस 10271]

डॉ० यू० सी० श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 23rd August, 2005

S. O. 3006.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards, Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 10271 : 1982 Specification for Anhydrous Hydrogen Fluoride, Technical	Amendment No. 3, June 2005	30 June 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CHD 1/IS 10271]

Dr. U.C. SRIVASTAVA, Scientist E, Director & Head (Chemical)

नई दिल्ली, 23 अगस्त, 2005

का. आ. 3007.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (को) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 13522 : 1992 विस्फोटक एवं आतिशबाजी संघटनों के लिए चारकोल-विशिष्टि	संशोधन संख्या 2, जून, 2005	30 जून 2005

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीएचडी 26/आई एस 13522]

डॉ० यू० सी० श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 23rd August, 2005

S. O. 3007.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 13522 : 1992 Charcoal for Explosives and Pyrotechnic Compositions Specification	Amendment No. 2, June 2005	30 June, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CHD 26/IS 13522]

Dr. U.C. SRIVASTAVA, Scientist. E, Director & Head (Chemical)

नई दिल्ली, 23 अगस्त, 2005

का. आ. 3008.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (को) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 133 : 2004 इनेमल भीतरी (क) अधलेपन (ख) परिसज्ज—विशिष्ट (चौथा पुनरीक्षण)	—	15 जून, 2005

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : सीएचडी 20/आई एस 133]

डॉ० यू० सी० श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 23rd August, 2005

S. O. 3008.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of Bureau of Indian Standards Rules, 1987 the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which given in the

Schedule hereto annexed have been established on the date indicated against each.

SCHEDULE

Sl. No.	No. and title of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standards	Date of Established
(1)	(2)	(3)	(4)

1.	IS 133 : 2004 Enamel, Interior : (a) Undercoating (b) Finishing—Specification (Fourth Revision)	—	15 June, 2005
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Copy to these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CHD 20/IS 133]

Dr. U.C. SRIVASTAVA, Scientist. E, Director & Head (Chemical)

नई दिल्ली, 23 अगस्त, 2005

का. आ. 3009.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (को) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15489 : 2004 पेन्ट, प्लास्टिक इमल्शन-विशिष्ट	आई एस 5411 (भाग 1) : 1974 और आई एस 5411 (भाग 2) : 1972	1 जुलाई, 2005

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो मानक भवन, 9 बहादुर शाह जफर मार्ग नई दिल्ली-110 002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीएचडी 20/आई एस 15489]

डॉ० यू० सी० श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 23rd August, 2005

S. O. 3009.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of Bureau of Indian Standards, Rules, 1987 the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which given in the Schedule hereto annexed have been established on the date indicated against each.

SCHEDULE

Sl. No.	No. and title of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standards	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15489 : 2004 Paint, Platic Emulsion-Specification	IS 5411 (Part 1) : 1974 and IS 5411 (Part 2) : 1972	1st July, 2005

Copy to these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : CHD 20/IS 15489]

Dr. U.C. SRIVASTAVA, Scientist. E, Director & Head (Chemical)

कोयला मंत्रालय

शुद्धि-पत्र

नई दिल्ली, 25 अगस्त, 2005

का. आ. 3010.—भारत के राजपत्र, तारीख 26 फरवरी, 2005 के भाग II—खंड 3, उपखंड (II) में, पृष्ठ क्रमांक 1726 से 1728 पर प्रकाशित, भारत सरकार, कोयला मंत्रालय की अधिसूचना का.आ. 624 तारीख 17 फरवरी, 2005 में—

पृष्ठ 1726 पर,—

- (i) पंक्ति 8 में, "परिक्षेप" के स्थान पर "परिक्षेत्र" पढ़ें।
- (ii) पंक्ति 11 में, "समाधन हो गया" के स्थान पर "समाधान हो गया" पढ़ें।

पृष्ठ 1727 पर,—

- (i) पंक्ति 1 में, "अधिनियम की धारा" के स्थान पर "अधिनियम की धारा" पढ़ें।
- (ii) पंक्ति 15 में, "बिलासपुर-495000" के स्थान पर "बिलासपुर-495006" पढ़ें।
- (iii) पंक्ति 27 में, "अपत्ति" के स्थान पर "आपत्ति" पढ़ें।
- (iv) पंक्ति 36 में, "अपत्तियों" के स्थान पर "आपत्तियों" पढ़ें।

अनुसूची के ब्लाक I में, आरक्षित वन के स्तम्भ 2 के अंतर्गत—

- (i) "कम्पार्टमेंट" के स्थान पर "कम्पार्टमेंट नम्बर" पढ़ें।
- (ii) स्तम्भ 5 क्षेत्रफल हेक्टर में, क्रम संख्या 3 के अंतर्गत— "660.56" के स्थान पर "066.56" पढ़ें।

[फा. सं. 43015/14/2003—पीआरआईडब्ल्यू]

एम. शहाबुद्दीन, अवर सचिव

MINISTRY OF COAL

CORRIGENDUM

New Delhi, the 25th August, 2005

S. O. 3010.—In the notification of the Government of India in the Ministry of Coal S.O. number 624 dated the 17th February, 2005, published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 26th February, 2005,—

- (i) at page 1729 above Block II—

an entry "Schedule continue" may be inserted.

[No. 43015/14/2003-PRIW]

M. SHAHABUDEEN, Under Secy.

पैट्रोलियम एवं प्राकृतिक गैस मंत्रालय

नई दिल्ली, 18 अगस्त, 2005

का. आ. 3011.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि राजस्थान राज्य में व्यावर से चित्तौड़गढ़ तक पैट्रोलियम उत्पादों के परिवहन के लिए इण्डियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा "सिद्धपुर-सांगानेर पाइपलाइन से चित्तौड़गढ़ तक ब्रान्च लाईन" के कार्यान्वयन हेतु एक शाखा पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उक्त भूमि में, जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है और जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए।

अतः अब, केन्द्रीय सरकार, पैट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

कोई भी व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री ओ. पी. गुप्ता, सक्षम प्राधिकारी, (राजस्थान), इण्डियन ऑयल कॉर्पोरेशन लिमिटेड (पाइपलाइन्स प्रभाग), 33, मुक्तानन्द नगर, गोपालपुरा बाईपास, जयपुर - 302 018 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : चित्तौड़गढ़		जिला : चित्तौड़गढ़		राज्य : राजस्थान		
गांव का नाम	खसरा सख्या	क्षेत्रफल				
		हेक्टेयर	एयर	वर्ग मीटर		
1	2	3	4	5		
बड़ोदिया	1538	0	01	30		

[फा. सं. आर-25011/31/2004-ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

Ministry of Petroleum & Natural Gas

New Delhi, the 19th August, 2005

S.O. 3011.—Whereas, it appears to the Central Government, that it is necessary in the public interest that for the transportation of petroleum products in Rajasthan State from Beawar to Chittaurgarh a "Branch Pipeline to Chittaurgarh from Sidhpur-Sanganer Pipeline", should be laid by the Indian Oil Corporation Limited.

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which the copies of this notification issued under sub-section(1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land, to Shri O. P. Gupta, Competent Authority (Rajasthan), Indian Oil Corporation Limited (Pipelines division), 33, Muktanand Naga, Gopalpura Bye-pass, Jaipur – 302 018, (Rajasthan).

SCHEDULE

Tehsil : CHITTAURGARH		District:CHITTAURGARH		State : RAJASTHAN		
Name of the Village	Khasara No.	Area			Sq mtr	
		Hectare	Are			
1	2	3	4	5		
BADODIYA	1538	0	01	30		

[F. No. R-25011/31/2004-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 24 अगस्त, 2005

का. आ. 3012.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का आ 2583 तारीख 15 अक्टूबर, 2004, जो भारत के राजपत्र तारीख 16 अक्टूबर, 2004 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में लोणी (पुणे) से पकनी (सोलापुर) तक हजारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए मुम्बई-पुणे विस्तार पाइपलाइन परियोजना के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 03 दिसम्बर, 2004, को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तालूका : पंढरपुर				जिला : सोलापुर		राज्य : महाराष्ट्र	
क्रम सं.	गाव का नाम .	सर्वे नंबर.	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	आंबे चिंचोली		गट नंबर 9 और 10 और गाँव सीमा उचेठण के बीच में भिमा नदी		00	25	17
			10		00	05	17
			9		00	21	92
			2		00	56	27
			1		00	00	06
			3		00	34	63
			4		00	35	05
			गट नंबर 4 और 146 के बीच में अस्फालटेड रास्ता		00	06	59
			146		00	08	20
			149		00	11	74
			150		00	10	17
			152		00	16	29
			157		00	14	40
			159		00	10	52
			164		00	12	85
			165		00	09	46
			167		00	09	24
			168		00	04	57
			138		00	08	64
			137		00	30	16
			136		00	30	24
			135		00	13	82
			134		00	12	07
			133		00	14	30
			132		00	06	27
			131		00	07	24
			130		00	05	20
			129		00	08	64
			128		00	07	59
			127		00	05	77
			125		00	00	13
			83		00	03	10
			84		00	07	16
			85		00	12	47
			86		00	12	04

तालुका : पढरपुर			जिला : सोलापुर		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
2	शंकरगाँव (निरंतर)		138		00	30	95
			137		00	12	95
			130		00	07	71
			129		00	07	92
			125		00	17	28
			126		00	17	08
			96		00	27	39
			98		00	24	03
			99		00	18	67
			गट नंबर 99 में सलंगन कनाल		00	02	52
			100		00	23	16
			101		00	18	82
			गट नंबर 10 के पास और गाँव सीमा पुलूजवाडी के बीच में गाडी रास्ता		00	02	53
कुल					04	12	52
3	पुलूजवाडी		गट नंबर 416 और गाँव सीमा शंकरगाँव के बीच में गाडी रास्ता		00	02	74
			416		00	38	21
			415		00	10	19
			409		00	18	35
			410		00	32	82
			404		00	09	50
			403		00	13	11
			गट नंबर 403 में सलंगन कनाल		00	01	39
			गट नंबर 403 और 402 के बीच में सलंगन कनाल		00	02	93
			402		00	13	06
			401		00	00	18
			344		00	16	10
			327		00	05	34
			326		00	07	63
			329		00	16	31
			330		00	20	23
			304 से 321		00	45	15

तालूका : पट्टरपुर			जिला : सोलापुर		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
3	पुलूजवाडी (निरंतर)		288		00	04	33
			289		00	00	17
			303		00	02	11
			302		00	05	81
			301		00	05	68
			300		00	08	99
			299		00	07	33
			298		00	16	64
			गट नंबर 298, 229 } और 230 के बीच में गाड़ी रास्ता		00	03	28
			230		00	00	30
			229		00	03	31
			228		00	10	65
			225	2	00	09	34
			224		00	08	15
			223		00	17	17
			222		00	17	28
कुल					03	73	78

[फा. सं. आर-31015/21/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 24th August, 2005

S. O. 3012.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2583 dated the 15th October, 2004, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 16th October, 2004, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products through Mumbai-Pune Pipeline Extension Project from Loni (Pune) to Pakni (Solapur) (via Hazarwadi) in the State of Maharashtra by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 3rd December, 2004;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of this declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

Taluka : PANDHARPUR			District : SOLAPUR		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	AMBE CHINCHOLI		Bhima River in between V.B. of Uchethan & Gat No 9 & 10		00	25	17
			10		00	05	17
			9		00	21	92
			2		00	56	27
			1		00	00	06
			3		00	34	63
			4		00	35	05
			Asphalted Road in between Gat No 4 & 146		00	06	59
			146		00	08	20
			149		00	11	74
			150		00	10	17
			152		00	16	29
			157		00	14	40
			159		00	10	52
			164		00	12	85
			165		00	09	46
			167		00	09	24
			168		00	04	57
			138		00	08	64
			137		00	30	16
			136		00	30	24
			135		00	13	82
			134		00	12	07
			133		00	14	30
			132		00	06	27
			131		00	07	24
			130		00	05	20
			129		00	08	64
			128		00	07	59
			127		00	05	77
			125		00	00	13
			83		00	03	10
			84		00	07	16
			85		00	12	47
			86		00	12	04

Taluka : PANDHARPUR			District : SOLAPUR		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	AMBE CHINCHOLI (Contd.)		122		00	13	00
			121		00	15	78
			120		00	00	89
			89		00	48	01
			103		00	21	60
			104		00	00	98
			102		00	23	03
			93		00	20	37
			97		00	00	38
			96		00	08	38
			95		00	07	39
			94		00	05	76
		Total			06	42	71
2	SHANKARGAON		165		00	16	21
			164		00	14	38
			162		00	11	24
			161		00	13	38
			Metalled Road in Gat No 161, 162	}	00	01	30
			Metalled Road in between Gat No		00	01	59
			161 & 162				
			160		00	17	92
			158		00	00	96
			157		00	04	43
			156		00	07	20
			149		00	06	09
			148		00	11	93
			147		00	13	71
			146		00	30	24
			143		00	13	96
			142		00	31	02
			Unlined Canal in Gat No 142	}	00	04	06
			141		00	01	22
			144		00	00	67

Taluka : PANDHARPUR			District : SOLAPUR		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
2	SHANKARGAON (Contd.)		138		00	30	95
			137		00	12	95
			130		00	07	71
			129		00	07	92
			125		00	17	28
			126		00	17	08
			96		00	27	39
			98		00	24	03
			99		00	18	67
			Unlined Canal in Gat No 99		00	02	52
			100		00	23	16
			101		00	18	82
			Cart Track adjacent to Gat No 10 & V.B. Pulujvadi		00	02	53
			Total		04	12	52
3	PULUJVADI		Cart Track between Gat No 416 & V. B. Shankargaon		00	02	74
			416		00	38	21
			415		00	10	19
			409		00	18	35
			410		00	32	82
			404		00	09	50
			403		00	13	11
			Unlined Canal in Gat No 403		00	01	39
			Unlined Canal in between Gat No 403 & 402		00	02	93
			402		00	13	06
			401		00	00	18
			344		00	16	10
			327		00	05	34
			326		00	07	63
			329		00	16	31
			330		00	20	23
			304 to 321		00	45	15

Taluka : PANDHARPUR District : SOLAPUR State : MAHARASHTRA								
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area			
					Hectare	Are	Sq.mt	
1	2	3	4	5	6	7	8	
3 PULUJVADI.(Contd.)								
			288		00	04	33	
			289		00	00	17	
			303		00	02	11	
			302		00	05	81	
			301		00	05	68	
			300		00	08	99	
			299		00	07	33	
			298		00	16	64	
			Cart Track in between Gat No 298, 229 & 230		00	03	28	
			230		00	00	30	
			229		00	03	31	
			228		00	10	65	
			225	2	00	09	34	
			224		00	08	15	
			223		00	17	17	
			222		00	17	28	
Total					03	73	78	

[No. R-31015/21/2004-O.R.-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 24 अगस्त, 2005

का. आ. 3013.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में, नीचे दी गई अनुसूची के स्तम्भ 1 में उल्लिखित व्यक्ति को, उक्त अनुसूची के स्तम्भ 2 में की तत्स्थानी प्रविष्टि में उल्लिखित क्षेत्र के संबंध में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए प्राधिकृत करती है, अर्थात:-

अनुसूची

प्राधिकारी का नाम और पता	अधिकारिता का क्षेत्र
(1)	(2)

श्री भरत लाल ननामा

मध्यप्रदेश राज्य

मध्यप्रदेश राज्य से प्रतिनियुक्ति पर

भूमि अर्जन अधिकारी,

सक्षम प्राधिकारी,

इंडियन ऑयल कॉर्पोरेशन लिमिटेड,

ए/15, सुन्दरवन, कस्तूरबा नगर,

सुमंगल गार्डन के नजदीक,

रतलाम-457001 (मध्यप्रदेश)

[फा. सं. आर-25011/1/2005-ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 24th August, 2005

S. O. 3013.— In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises the person mentioned in column (1) of the Schedule given below to perform the functions of the Competent Authority under the said Act, in respect of the area mentioned in column (2) of the said Schedule :

Schedule	
Name and Address of the Authority	Area of jurisdiction
(1)	(2)
Shri Bharat Lal Nanama Land Acquisition Officer on deputation from Government of Madhya Pradesh Competent Authority Indian Oil Corporation Limited, A/15, Sundervan, Kasturba Nagar, Near Sumangal Garden, Ratlam-457001 (Madhya Pradesh)	State of Madhya Pradesh

[F. No. R-25011/1/2005-O.R.-I]
 S. K. CHITKARA, Under Secy.

नई दिल्ली, 24 अगस्त, 2005

का. आ. 3014.— केन्द्रीय सरकार ने पेट्रोलियम और प्राकृतिक गैस मंत्रालय के का. आ. 637 दिनांक 23.02.2005 द्वारा पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन अधिसूचना प्रकाशित कर, ब्यावर से चित्तौड़गढ़ तक पेट्रोलियम उत्पादों के परिवहन के लिए “सिद्धपुर-सांगानेर पाइपलाइन से चित्तौड़गढ़ तक ब्रान्च लाईन” के कार्यान्वयन हेतु एक शाखा पाइपलाइन बिछाने के लिये उक्त अधिसूचना में विनिर्दिष्ट तहसील चित्तौड़गढ़, जिला चित्तौड़गढ़, राजस्थान राज्य की भूमि अधिसूचित की थी।

और उक्त अधिसूचना की प्रतियाँ जनता को दिनांक 19.04.2005 तक उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उप-धारा (1) के अनुसरण में सक्षम प्राधिकारी, राजस्थान, ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित करने का निश्चय किया है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाता है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : चित्तौड़गढ़		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
गांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
बड़ोदिया	1094	0	00	70	
	1083	0	02	90	
	1082	0	04	50	
	1081	0	04	00	
	1080	0	05	20	
	1084	0	00	70	
	1079	0	03	90	
	1085	0	00	20	
	1225	0	03	70	
	1223	0	12	80	
	1222	0	13	50	
	1213	0	13	30	
	1202	0	08	10	
	1203	0	19	60	
	1450	0	02	10	
	1451	0	04	50	
	1432	0	00	50	
	1433	0	10	40	
	1434	0	04	50	
	1435	0	03	80	
	1438	0	04	20	
	1463	0	09	30	
	1466	0	15	30	
	1480	0	01	40	
	1479	0	22	90	
	1484	0	03	00	
	1485	0	00	50	
	1478	0	00	20	

तहसील : चित्तौड़गढ़		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
गांव का नाम	खसरो संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	1540	0	11	70	
	1537	0	03	50	
	1502	0	08	80	
	1504	0	08	20	
	927	0	02	80	
	924	0	19	80	
	925	0	00	20	
	923	0	05	80	
	921	0	08	40	
	919	0	02	30	
	920	0	00	50	
	913	0	21	60	
	911	0	01	10	
	903	0	12	70	
	880	0	01	50	
	881	0	01	50	
	830	0	06	10	
	831	0	10	80	
	826	0	18	50	
कसाराखेड़ी	99	0	22	00	
	98	0	12	20	
	100	0	00	80	
	101	0	00	70	
	68	0	00	30	
	87	0	07	10	
	88	0	02	30	
	89	0	04	50	
	90	0	04	50	
	199	0	08	40	
	242	0	00	20	

तहसील : चित्तौड़गढ़		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
गांव का नाम	असरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	96	0	06	70	
	243	0	03	50	
	241	0	04	20	
	205	0	00	80	
	232	0	07	50	
	233	0	02	00	
	239	0	00	20	
	235	0	02	00	
	238	0	08	50	
	246	0	01	50	
	340	0	07	80	
	339	0	03	40	
	338	0	07	80	
	336	0	09	20	
	335	0	08	80	
	362	0	08	30	
	361	0	31	00	
	360	0	29	00	
	359	0	04	90	
सीलाहेड़ा	159/1	0	13	90	
	170	0	03	60	
	169	0	04	00	
	171	0	00	40	
	168	0	03	30	
	167मिन	0	00	60	
	173	0	15	30	
	172	0	00	20	
	208	0	08	50	
	204	0	08	10	
	182	0	01	70	

तहसील : पित्तौड़गढ़		जिला : पित्तौड़गढ़		राज्य : राजस्थान	
गांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	184/2	0	05	30	
	184/3	0	06	70	
	197	0	00	90	
	203	0	05	40	
	185	0	04	80	
	194	0	00	70	
	217	0	01	20	
	218	0	10	10	
	219	0	02	60	
	196	0	04	70	
	195	0	04	30	
	311	0	09	10	
	312	0	02	90	
	316	0	05	10	
	318	0	12	80	
	315	0	00	20	
दोलतपुरा	162	0	02	20	
	553	0	00	60	
	551	0	19	20	
	547	0	05	00	
	510	0	30	40	
	537	0	20	00	
	535	0	08	00	
	539	0	00	70	
	541	0	29	00	
	542	0	05	70	
	625	0	13	80	
	623	0	11	70	
	624	0	02	70	
	631	0	07	10	

तहसील : चित्तौड़गढ़		जिला : चित्तौड़गढ़	राज्य : राजस्थान		
गांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	632	0	00	20	
पाण्डोली	1094	0	09	00	
	1095	0	06	50	
	1115	0	03	50	
	1119	0	00	20	
	1118	0	14	60	
	1125	0	09	00	
	1124	0	02	40	
	1126	0	01	30	
	1143	0	00	20	
	1136	0	09	40	
	1135	0	00	60	
	1134	0	05	80	
	1137	0	00	40	
	1129	0	01	40	
	1131	0	11	00	
	1133	0	05	30	
	1132	0	00	70	
	1228	0	00	20	
	1203	0	06	50	
	1204	0	00	70	
	1205	0	06	40	
	1207	0	02	90	
	1206	0	11	90	
	1195	0	09	80	
	1194	0	02	70	
	1213	0	00	90	
	1212	0	08	60	
	1211	0	01	70	
	1209	0	15	20	

तहसील : चित्तौड़गढ़		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
गांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
नरपतकीखेड़ी	1351	0	05	20	
	1350	0	00	20	
	1341	0	13	20	
	27	0	00	20	
	245	0	18	30	
	248	0	15	70	
	249	0	00	40	
	250	0	16	60	
	251	0	03	80	
	252	0	00	20	
	254	0	17	40	
	231	0	03	30	
	228	0	04	50	
	227	0	04	10	
	220	0	02	80	
	225	0	07	50	
	221	0	02	40	
	223	0	00	20	
	222	0	10	10	
	218	0	00	20	
	305	0	09	20	
	310	0	00	20	
	312	0	00	20	
	311	0	03	10	
	316	0	02	70	
	333	0	04	20	
	317	0	01	40	
	318	0	00	30	
	328	0	08	80	
	544मिन	0	01	90	

तहसील : चित्तौड़गढ़		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
गांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
गणेशपुरा	542मिन	0	04	90	
	536	0	05	40	
	534	0	01	90	
	535	0	03	60	
	533	0	04	80	
	556	0	12	10	
	557	0	05	70	
	809	0	01	10	
	810	0	00	90	
	811	0	08	50	
	823	0	25	20	
	822	0	04	70	
	820	0	31	40	
	818	0	15	60	
	851	0	41	80	
	887	0	05	70	
	960	0	01	10	
	1186	0	00	60	
	1185	0	12	90	
	1184	0	12	50	
	1193	0	01	60	
	1192	0	02	00	
	1191	0	00	70	
धनेतकलां	670	0	19	70	
	671	0	06	90	
	672	0	09	00	
	675	0	06	70	
	674	0	08	00	
	690	0	00	20	
	689	0	12	50	

तहसील : चित्तौड़गढ़		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
गांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	702	0	02	80	
	703	0	12	40	
	711	0	00	20	
	712	0	14	60	
	713	0	00	20	
	757	0	02	50	
	759	0	00	30	
	758	0	01	60	
	775	0	02	10	
	765	0	00	20	
	774	0	09	20	
	768	0	02	00	
	770	0	00	70	
	769	0	10	80	
	771	0	00	80	
	807	0	03	30	
	806	0	03	30	
	814	0	00	20	
	815	0	05	80	
	813	0	07	20	
	820	0	00	20	
	823	0	00	60	
	837	0	03	10	
	824	0	03	80	
	828	0	03	90	
	829	0	03	60	
	832	0	03	30	
	968	0	24	90	
	970	0	04	20	
	1000	0	04	20	

तहसील : पित्तोदगढ़		जिला : पित्तोदगढ़		राज्य : राजस्थान	
गांव का नाम	असरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	1001	0	04	50	
	1002	0	04	90	
	1003	0	06	20	
	1004	0	04	50	
	1280	0	04	40	
	1283	0	11	40	
	1308	0	10	70	
	1309	0	00	20	
	1312	0	06	00	
	1311	0	04	70	
	1318	0	05	80	
	1320	0	05	40	
	1330	0	03	60	
	1329	0	01	50	
	1331	0	01	70	
	1328	0	04	50	
	1327	0	03	80	
	1323	0	01	70	
	1324	0	05	60	
	1625	0	11	20	
	1626	0	03	70	
	1631	0	10	10	
	1639	0	10	20	
	1643	0	02	70	
	1646	0	02	40	
	1666	0	02	90	
	1667	0	05	90	
	1668	0	00	60	
लालजीकाखेड़ा	39	0	04	80	
	34	0	00	30	

तहसील : चित्तौड़गढ़		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
गांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	33	0	18	30	
	32	0	16	80	
	31	0	16	70	
	30	0	07	10	
	74	0	04	50	
	75	0	05	40	
	77	0	01	30	
	76	0	02	20	
	78	0	02	70	
	79	0	05	40	
	85	0	03	80	
	86	0	08	40	
	89	0	11	90	
	94	0	00	20	
	96	0	05	30	
	95	0	06	30	
	204	0	11	70	
	250	0	10	40	
	266	0	02	60	
	268	0	00	20	
	267	0	14	50	
	264	0	00	30	
	269	0	01	00	
	271	0	13	80	
	280	0	07	10	
	279	0	00	30	
	281	0	11	90	
	297	0	04	90	
	296	0	05	20	
	295	0	00	20	

तहसील : चित्तौड़गढ़		जिला : चित्तौड़गढ़	राज्य : राजस्थान		
गांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	300	0	01	60	
	405	0	04	60	
	404	0	05	40	
	403	0	06	30	
	436	0	06	30	
	437	0	00	90	
	442	0	04	80	
	441	0	03	50	
	445	0	08	70	
	452	0	16	70	
	453	0	00	20	
	454	0	03	10	
	457	0	03	80	
	458	0	05	60	
	465	0	06	50	
	464	0	01	60	
	463	0	02	70	
	466	0	02	30	
	467	0	05	50	
	468	0	05	90	
	470	0	00	40	
	469	0	09	70	
	474	0	12	10	
	490/679	0	07	20	
	483/680	0	02	00	
	482/681	0	00	40	
	475	0	18	60	
	614	0	07	40	
	613	0	00	70	
	615	0	23	30	

तहसील : चित्तौड़गढ़		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
गांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	616	0	00	30	
	625	0	03	70	
	624	0	04	20	
	609	0	01	30	
	626	0	06	40	
	629	0	09	70	
	628	0	00	20	
	632	0	06	50	
	635	0	03	00	
	633	0	01	50	
	634	0	00	90	
	637	0	02	60	
	638	0	02	30	
	639	0	00	20	
	640	0	04	60	
	641	0	02	90	
	642	0	01	30	
	643	0	01	70	
	647	0	07	20	
	648	0	06	30	
	649	0	05	80	
	653	0	02	40	
	654	0	02	60	
	655	0	11	70	
	660	0	00	80	
सेन्ती	1625	0	17	40	
	1634	0	02	50	
	1633	0	12	10	
	1631	0	07	00	
	1632	0	00	20	

तहसील : चित्तौड़गढ़		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
शेख का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	1635	0	00	80	
	1665	0	17	40	
	1664	0	05	90	
	1694	0	05	60	
	1687	0	14	40	
	1687/1	0	01	70	
	1784	0	14	70	
	1785	0	00	50	
	1787	0	20	30	
	1790	0	00	40	
	1789	0	11	70	
	1788	0	13	90	
	1827	0	08	40	
	1826	0	15	50	
	1840	0	00	30	
	1841	0	02	80	
	1819	0	16	10	
	1926	0	12	00	
	1927	0	09	00	
	1930	0	12	30	
	1931	0	14	10	
	1933	0	03	50	
	1932	0	00	20	
	1934	0	04	10	
	1945	0	10	40	
	1946	0	07	40	
	1947	0	15	80	
	1948	0	05	20	
	1952	0	00	20	
	292	0	02	80	

तहसील : चित्तौड़गढ़		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
गांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	289	0	03	40	
बोजुन्दा	194	0	09	90	
	195	0	13	00	
	180	0	05	40	
	178	0	05	30	
	177	0	03	80	
	172	0	03	60	
	171	0	05	80	
	165	0	05	10	
	163	0	02	90	
	164	0	03	10	
	150	0	05	10	
	149	0	07	20	
	148	0	05	50	
	198	0	00	70	
	200	0	03	10	
	201	0	03	40	
	202/1	0	02	40	
	141	0	01	70	
	202/2	0	02	30	
	202/3	0	03	10	
	203	0	18	40	
	128	0	09	40	
	217	0	15	70	
	218	0	12	60	
	215	0	00	60	
	225	0	09	60	
	226	0	01	50	
	227	0	04	00	
	270	0	01	00	

तहसील : चित्तौड़गढ़		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
गांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	271	0	20	80	
	274	0	01	40	
	268	0	00	50	
	275	0	07	40	
	276	0	07	60	
	292	0	00	30	
	293	0	08	00	
	290/1	0	03	90	
	290/2	0	01	50	
	280	0	03	00	
	282	0	01	40	
	283	0	02	80	
	281	0	20	10	
सेमरा	42	0	04	10	
	46	0	03	80	
	49	0	02	00	
	47	0	05	40	
	53	0	01	70	
	54	0	07	80	
	52	0	00	20	
	56	0	04	30	
	72	0	04	50	
	74	0	04	60	
	76	0	08	00	
	75	0	01	50	
	85	0	00	30	
	84	0	01	70	
	78	0	06	20	
	83	0	08	30	
	81	0	04	90	

तहसील : चित्तौड़गढ़		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
गांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	82	0	00	20	
	402	0	00	20	
	399	0	22	60	
	762/414	0	01	80	
	415	0	12	30	
	416	0	08	30	
	417	0	05	40	
	418	0	09	10	
	419	0	07	20	
	420	0	01	90	
	498	0	03	40	
	497	0	00	80	
	499	0	03	20	
	496	0	10	60	
	753/496	0	07	30	
	495	0	05	90	
	494	0	03	80	
	755/494	0	00	70	
	493	0	00	20	
	526	0	00	50	
	527	0	17	10	
	528	0	05	50	
	529	0	05	50	
	543	0	12	10	
	544	0	07	90	
	545	0	05	50	
	550	0	21	70	
	549	0	01	00	
	551	0	28	90	
	552	0	17	90	

तहसील : चित्तौड़गढ़		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
गांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
ओछड़ी	448	0	13	60	
	449	0	14	80	
जालमपुरा	55	0	07	30	
	56	0	06	40	
	57	0	07	20	
	58	0	07	30	
	154	0	07	40	
	149	0	04	30	
	150	0	01	60	
	151	0	05	90	
	148	0	03	80	
	147	0	00	20	
	152	0	03	80	
	144	0	10	70	
	160	0	05	90	

[फा. सं. आर-25011/31/2004-ओ.आर.-1]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 24th August, 2005

S. O. 3014.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. number 637 dated 23.02.2005 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land in Tehsil : Chittaurgarh, District : Chittaurgarh in the State of Rajasthan, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products in the State of Rajasthan from Beawar to Chittaurgarh in respect of "Branch Pipeline to Chittaurgarh from Sidhpur – Sanganer Pipeline" by the Indian Oil Corporation Limited.

And whereas, copy of the said notification was made available to the general public on 19.04.2005.

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vests from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : CHITTAURGARH		District:CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
BADODIYA	1094	0	00	70	
	1083	0	02	90	
	1082	0	04	50	
	1081	0	04	00	
	1080	0	05	20	
	1084	0	00	70	
	1079	0	03	90	
	1085	0	00	20	
	1225	0	03	70	
	1223	0	12	80	
	1222	0	13	50	
	1213	0	13	30	
	1202	0	08	10	
	1203	0	19	60	
	1450	0	02	10	
	1451	0	04	50	
	1432	0	00	50	
	1433	0	10	40	
	1434	0	04	50	
	1435	0	03	80	
	1438	0	04	20	
	1463	0	09	30	
	1466	0	15	30	
	1480	0	01	40	
	1479	0	22	90	

Tehsil : CHITTAURGARH		District: CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	1484	0	03	00	
	1485	0	00	50	
	1478	0	00	20	
	1540	0	11	70	
	1537	0	03	50	
	1502	0	08	80	
	1504	0	08	20	
	927	0	02	80	
	924	0	19	80	
	925	0	00	20	
	923	0	05	80	
	921	0	08	40	
	919	0	02	30	
	920	0	00	50	
	913	0	21	60	
	911	0	01	10	
	903	0	12	70	
	880	0	01	50	
	881	0	01	50	
	830	0	06	10	
	831	0	10	80	
	826	0	18	50	
KASARAKHERI	99	0	22	00	
	98	0	12	20	
	100	0	00	80	
	101	0	00	70	
	68	0	00	30	
	87	0	07	10	
	88	0	02	30	
	89	0	04	50	
	90	0	04	50	
	199	0	08	40	
	242	0	00	20	

Tehsil : CHITTAURGARH		District:CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	96	0	06	70	
	243	0	03	50	
	241	0	04	20	
	205	0	00	80	
	232	0	07	50	
	233	0	02	00	
	239	0	00	20	
	235	0	02	00	
	238	0	08	50	
	246	0	01	50	
	340	0	07	80	
	339	0	03	40	
	338	0	07	80	
	336	0	09	20	
	335	0	08	80	
	362	0	08	30	
	361	0	31	00	
	360	0	29	00	
	359	0	04	90	
ROLAHERA	159/1	0	13	90	
	170	0	03	60	
	169	0	04	00	
	171	0	00	40	
	168	0	03	30	
	167Min	0	00	60	
	173	0	15	30	
	172	0	00	20	
	208	0	08	50	
	204	0	08	10	
	182	0	01	70	

Taluk : CHITTAURGARH		District: CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq. mtr.	
1	2	3	4	5	
	184/2	0	05	30	
	184/3	0	06	70	
	197	0	00	90	
	203	0	05	40	
	185	0	04	80	
	194	0	00	70	
	217	0	01	20	
	218	0	10	10	
	219	0	02	60	
	196	0	04	70	
	195	0	04	30	
	311	0	09	10	
	312	0	02	90	
	316	0	05	10	
	318	0	12	80	
	315	0	00	20	
DOLATPURA	162	0	02	20	
	553	0	00	60	
	551	0	19	20	
	547	0	05	00	
	510	0	30	40	
	537	0	20	00	
	535	0	08	00	
	539	0	00	70	
	541	0	29	00	
	542	0	05	70	
	625	0	13	80	
	623	0	11	70	
	624	0	02	70	
	631	0	07	10	

Tehsil : CHITTAURGARH		District:CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
PANDOLI	632	0	00	20	
	1094	0	09	00	
	1095	0	06	50	
	1115	0	03	50	
	1119	0	00	20	
	1118	0	14	60	
	1125	0	09	00	
	1124	0	02	40	
	1126	0	01	30	
	1143	0	00	20	
	1136	0	09	40	
	1135	0	00	60	
	1134	0	05	80	
	1137	0	00	40	
	1129	0	01	40	
	1131	0	11	00	
	1133	0	05	30	
	1132	0	00	70	
	1228	0	00	20	
	1203	0	06	50	
	1204	0	00	70	
	1205	0	06	40	
	1207	0	02	90	
	1206	0	11	90	
	1195	0	09	80	
	1194	0	02	70	
	1213	0	00	90	
	1212	0	08	60	
	1211	0	01	70	
	1209	0	15	20	

Tehsil : CHITTAURGARH		District:CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
NARPATKIKHERI	1351	0	05	20	
	1350	0	00	20	
	1341	0	13	20	
	27	0	00	20	
	245	0	18	30	
	248	0	15	70	
	249	0	00	40	
	250	0	16	60	
	251	0	03	80	
	252	0	00	20	
	254	0	17	40	
	231	0	03	30	
	228	0	04	50	
	227	0	04	10	
	220	0	02	80	
	225	0	07	50	
	221	0	02	40	
	223	0	00	20	
	222	0	10	10	
	218	0	00	20	
	305	0	09	20	
	310	0	00	20	
	312	0	00	20	
	311	0	03	10	
	316	0	02	70	
	333	0	04	20	
	317	0	01	40	
	318	0	00	30	
	328	0	08	80	
	544Min	0	01	90	

Tehsil : CHITTAURGARH		District:CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	542Min	0	04	90	
	536	0	05	40	
	534	0	01	90	
	535	0	03	60	
	533	0	04	80	
	556	0	12	10	
	557	0	05	70	
GANESHPURA	809	0	01	10	
	810	0	00	90	
	811	0	08	50	
	823	0	25	20	
	822	0	04	70	
	820	0	31	40	
	818	0	15	60	
	851	0	41	80	
	887	0	05	70	
	960	0	01	10	
	1186	0	00	60	
	1185	0	12	90	
	1184	0	12	50	
	1193	0	01	60	
	1192	0	02	00	
DHANETKALAN	1191	0	00	70	
	670	0	19	70	
	671	0	06	90	
	672	0	09	00	
	675	0	06	70	
	674	0	08	00	
	690	0	00	20	
	689	0	12	50	

Tehsil : CHITTAURGARH		District: CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq. mtr.	
1	2	3	4	5	
	702	0	02	80	
	703	0	12	40	
	711	0	00	20	
	712	0	14	60	
	713	0	00	20	
	757	0	02	50	
	759	0	00	30	
	758	0	01	60	
	775	0	02	10	
	765	0	00	20	
	774	0	09	20	
	768	0	02	00	
	770	0	00	70	
	769	0	10	80	
	771	0	00	80	
	807	0	03	30	
	806	0	03	30	
	814	0	00	20	
	815	0	05	80	
	813	0	07	20	
	820	0	00	20	
	823	0	00	60	
	837	0	03	10	
	824	0	03	80	
	828	0	03	90	
	829	0	03	60	
	832	0	03	30	
	968	0	24	90	
	970	0	04	20	
	1000	0	04	20	

Tehsil : CHITTAURGARH		District:CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	1001	0	04	50	
	1002	0	04	90	
	1003	0	06	20	
	1004	0	04	50	
	1280	0	04	40	
	1283	0	11	40	
	1308	0	10	70	
	1309	0	00	20	
	1312	0	06	00	
	1311	0	04	70	
	1318	0	05	80	
	1320	0	05	40	
	1330	0	03	60	
	1329	0	01	50	
	1331	0	01	70	
	1328	0	04	50	
	1327	0	03	80	
	1323	0	01	70	
	1324	0	05	60	
	1625	0	11	20	
	1626	0	03	70	
	1631	0	10	10	
	1639	0	10	20	
	1643	0	02	70	
	1646	0	02	40	
	1666	0	02	90	
	1667	0	05	90	
	1668	0	00	60	
LALJIKAKHERA	39	0	04	80	
	34	0	00	30	

Tehsil : CHITTAURGARH District:CHITTAURGARH		State : RAJASTHAN		
Name of the Village	Khasara No.	Area		
		Hectare	Are	Sq.mtr.
1	2	3	4	5
	33	0	18	30
	32	0	16	80
	31	0	16	70
	30	0	07	10
	74	0	04	50
	75	0	05	40
	77	0	01	30
	76	0	02	20
	78	0	02	70
	79	0	05	40
	85	0	03	80
	86	0	08	40
	89	0	11	90
	94	0	00	20
	96	0	05	30
	95	0	06	30
	204	0	11	70
	250	0	10	40
	266	0	02	60
	268	0	00	20
	267	0	14	50
	264	0	00	30
	269	0	01	00
	271	0	13	80
	280	0	07	10
	279	0	00	30
	281	0	11	90
	297	0	04	90
	296	0	05	20
	295	0	00	20

Tehsil : CHITTAURGARH		District:CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	300	0	01	60	
	405	0	04	60	
	404	0	05	40	
	403	0	06	30	
	436	0	06	30	
	437	0	00	90	
	442	0	04	80	
	441	0	03	50	
	445	0	08	70	
	452	0	16	70	
	453	0	00	20	
	454	0	03	10	
	457	0	03	80	
	458	0	05	60	
	465	0	06	50	
	464	0	01	60	
	463	0	02	70	
	466	0	02	30	
	467	0	05	50	
	468	0	05	90	
	470	0	00	40	
	469	0	09	70	
	474	0	12	10	
	490/679	0	07	20	
	483/680	0	02	00	
	482/681	0	00	40	
	475	0	18	60	
	614	0	07	40	
	613	0	00	70	
	615	0	23	30	

Tehsil : CHITTAURGARH		District: CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	616	0	00	30	
	625	0	03	70	
	624	0	04	20	
	609	0	01	30	
	626	0	06	40	
	629	0	09	70	
	628	0	00	20	
	632	0	06	50	
	635	0	03	00	
	633	0	01	50	
	634	0	00	90	
	637	0	02	60	
	638	0	02	30	
	639	0	00	20	
	640	0	04	60	
	641	0	02	90	
	642	0	01	30	
	643	0	01	70	
	647	0	07	20	
	648	0	06	30	
	649	0	05	80	
	653	0	02	40	
	654	0	02	60	
	655	0	11	70	
	660	0	00	80	
SENTI	1625	0	17	40	
	1634	0	02	50	
	1633	0	12	10	
	1631	0	07	00	
	1632	0	00	20	

Tehsil : CHITTAURGARH		District:CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	1635	0	00	80	
	1665	0	17	40	
	1664	0	05	90	
	1694	0	05	60	
	1687	0	14	40	
	1687/1	0	01	70	
	1784	0	14	70	
	1785	0	00	50	
	1787	0	20	30	
	1790	0	00	40	
	1789	0	11	70	
	1788	0	13	90	
	1827	0	08	40	
	1826	0	15	50	
	1840	0	00	30	
	1841	0	02	80	
	1819	0	16	10	
	1926	0	12	00	
	1927	0	09	00	
	1930	0	12	30	
	1931	0	14	10	
	1933	0	03	50	
	1932	0	00	20	
	1934	0	04	10	
	1945	0	10	40	
	1946	0	07	40	
	1947	0	15	80	
	1948	0	05	20	
	1952	0	00	20	
	292	0	02	80	

Tehsil : CHITTAURGARH		District:CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
BOJUNDA	289	0	03	40	
	194	0	09	90	
	195	0	13	00	
	180	0	05	40	
	178	0	05	30	
	177	0	03	80	
	172	0	03	60	
	171	0	05	80	
	165	0	05	10	
	163	0	02	90	
	164	0	03	10	
	150	0	05	10	
	149	0	07	20	
	148	0	05	50	
	198	0	00	70	
	200	0	03	10	
	201	0	03	40	
	202/1	0	02	40	
	141	0	01	70	
	202/2	0	02	30	
	202/3	0	03	10	
	203	0	18	40	
	128	0	09	40	
	217	0	15	70	
	218	0	12	60	
	215	0	00	60	
	225	0	09	60	
	226	0	01	50	
	227	0	04	00	
	270	0	01	00	

Tehsil : CHITTAURGARH		District:CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	271	0	20	80	
	274	0	01	40	
	268	0	00	50	
	275	0	07	40	
	276	0	07	60	
	292	0	00	30	
	293	0	08	00	
	290/1	0	03	90	
	290/2	0	01	50	
	280	0	03	00	
	282	0	01	40	
	283	0	02	80	
	281	0	20	10	
SEGVA	42	0	04	10	
	46	0	03	80	
	49	0	02	00	
	47	0	05	40	
	53	0	01	70	
	54	0	07	80	
	52	0	00	20	
	56	0	04	30	
	72	0	04	50	
	74	0	04	60	
	76	0	08	00	
	75	0	01	50	
	85	0	00	30	
	84	0	01	70	
	78	0	06	20	
	83	0	08	30	
	81	0	04	90	

Tehsil : CHITTAURGARH		District: CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	82	0	00	20	
	402	0	00	20	
	399	0	22	60	
	762/414	0	01	80	
	415	0	12	30	
	416	0	08	30	
	417	0	05	40	
	418	0	09	10	
	419	0	07	20	
	420	0	01	90	
	498	0	03	40	
	497	0	00	80	
	499	0	03	20	
	496	0	10	60	
	753/496	0	07	30	
	495	0	05	90	
	494	0	03	80	
	755/494	0	00	70	
	493	0	00	20	
	526	0	00	50	
	527	0	17	10	
	528	0	05	50	
	529	0	05	50	
	543	0	12	10	
	544	0	07	90	
	545	0	05	50	
	550	0	21	70	
	549	0	01	00	
	551	0	28	90	
	552	0	17	90	

Tehsil : CHITTAURGARH		District:CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
OCHHARI	448	0	13	60	
	449	0	14	80	
JALAMPURA	55	0	07	30	
	56	0	06	40	
	57	0	07	20	
	58	0	07	30	
	154	0	07	40	
	149	0	04	30	
	150	0	01	60	
	151	0	05	90	
	148	0	03	80	
	147	0	00	20	
	152	0	03	80	
	144	0	10	70	
	160	0	05	90	

[F. No. R-25011/31/2004-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 24 अगस्त, 2005

का.आ. 3015.— केन्द्रीय सरकार ने पेट्रोलियम और प्राकृतिक गैस मंत्रालय के का. आ. 634 दिनांक 21.02.2005 द्वारा पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन अधिसूचना प्रकाशित कर, ब्यावर से चित्तौड़गढ़ तक पेट्रोलियम उत्पादों के परिवहन के लिए 'सिद्धपुर-सांगानेर पाइपलाइन से चित्तौड़गढ़ तक ब्रान्च लाईन' के कार्यान्वयन हेतु एक शाखा पाइपलाइन बिछाने के लिये उक्त अधिसूचना में विनिर्दिष्ट तहसील गंगारार, जिला चित्तौड़गढ़, राजस्थान राज्य की भूमि अधिसूचित की थी।

और उक्त अधिसूचना की प्रतियाँ जनता को दिनांक 19.04.2005 तक उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उप-धारा (1) के अनुसरण में सक्षम प्राधिकारी, राजस्थान, ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाता है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

बहसील : मंजरार		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
गांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
कासेड़ी	59	0	08	00	
	62	0	06	30	
	61	0	07	90	
	65/1324	0	09	40	
	67/1326	0	00	60	
	67/1327	0	06	70	
	65/1325	0	01	90	
	66	0	00	20	
	68	0	12	80	
	69	0	11	90	
	106/1257	0	02	40	
	70	0	07	20	
	72	0	06	70	
	73	0	00	50	
	106	0	29	80	
	103	0	09	80	
	102	0	24	80	
	100	0	05	60	
	101	0	09	40	
	368	0	04	60	
	369	0	00	30	
	367	0	07	20	
	197	0	09	60	
	182	0	00	20	
	198	0	00	20	
	199	0	10	70	
	201	0	06	00	
	200	0	00	60	
	202	0	13	70	

तहसील : मंगरार		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
नांव का नाम	असरा संख्या	क्षेत्रफल			
		हेक्टेयर	एकर	बर्ग मीटर	
1	2	3	4	5	
	205	0	05	00	
	204	0	00	20	
	207	0	00	20	
	206	0	04	40	
	214	0	00	20	
	306	0	12	10	
	299	0	01	80	
	305	0	00	60	
	300	0	07	10	
	297	0	14	40	
	296	0	05	70	
	295	0	01	80	
	278/1298	0	23	10	
	278	0	00	20	
	277	0	19	20	
	276	0	07	00	
	259	0	00	20	
	275	0	02	00	
	260	0	11	10	
	261	0	03	80	
	262	0	00	20	
	257	0	01	40	
	256	0	08	00	
	266	0	03	20	
	265	0	02	90	
	264	0	04	30	
	943	0	09	90	
	927	0	16	30	
	926	0	13	20	
	904	0	12	80	
	905	0	10	20	

तहसील : मंनरार		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
नांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एकर	वर्ग मीटर	
1	2	3	4	5	
	906	0	02	80	
	908/1250	0	08	30	
	908	0	14	40	
	907	0	00	20	
	909	0	14	30	
	912	0	07	80	
	811	0	06	90	
	810	0	09	90	
	1208	0	11	70	
	1210	0	00	20	
	1226	0	31	70	
	1225	0	29	40	
	1224	0	00	90	
	1223	0	35	90	
	1215	0	00	20	
	1221/1304	0	18	40	
	1216	0	15	00	
	1217	0	12	30	
बूढ	1162मिन	0	07	10	
	1165/1	0	11	50	
	1162/1	0	00	20	
	1172मिन	0	01	00	
	1165मिन	0	02	80	
	1164मिन	0	08	30	
	1164/1	0	04	40	
	1176/1	0	01	10	
जयसिंगपुरा	85	0	24	80	
	84	0	01	80	
	117	0	25	70	
	116	0	09	90	
	134	0	02	50	

तहसील : नमरार		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
गांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	135	0	09	30	
	136/1	0	12	00	
	193/1	0	09	30	
	193/2	0	09	80	
	188	0	12	80	
	188/716	0	04	00	
	180	0	08	70	
	240/1	0	00	20	
सुदरी	66	0	37	70	
	415	0	13	00	
	288/1951	0	00	20	
	409	0	00	20	
	410	0	53	60	
	401	0	07	60	
	402	0	05	10	
	403	0	01	80	
	404	0	10	10	
	385	0	03	30	
	383	0	01	40	
	384	0	10	80	
	378	0	00	20	
	605	0	01	50	
	606	0	00	90	
	607	0	05	20	
	780	0	07	70	
	786	0	03	30	
	787	0	02	20	
	785	0	06	90	
	782	0	07	40	
	777	0	01	00	
	778	0	05	70	

तहसील : गंगरार		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
मांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	775	0	05	50	
	776	0	00	30	
	759	0	04	10	
	758	0	09	90	
	757	0	02	60	
	738	0	00	80	
	751	0	02	70	
	739	0	00	20	
	750	0	03	60	
	748	0	01	20	
	740	0	01	90	
	747	0	00	60	
	741	0	02	10	
	745	0	03	60	
	744	0	00	70	
	743	0	02	70	
	1406	0	13	40	
	1408	0	00	20	
	1407	0	06	40	
	1414	0	00	20	
	1413	0	00	60	
	1412	0	00	90	
	1411	0	00	50	
	1410	0	04	20	
	1409	0	00	20	
	1397	0	01	20	
	1437	0	04	30	
	1453	0	06	90	
	1454	0	05	10	
	1455	0	05	40	
	1464	0	03	40	

तहसील : नंमरार		जिला : पित्तोड़गढ़		राज्य : राजस्थान	
नांव का नाम	असरा संख्या	क्षेत्रफल			
		हेक्टेयर	एकर	वर्ग मीटर	
1	2	3	4	5	
	1457	0	00	20	
	1463	0	03	30	
	1478	0	01	70	
	1477	0	05	90	
	1717	0	16	70	
	1718	0	08	30	
	1713	0	01	00	
	1765	0	07	70	
	1766	0	09	90	
	1767	0	06	50	
	1769	0	06	00	
	1791	0	12	10	
	1790/1922/1	0	07	30	
	1790/1922मिन	0	06	90	
	1792	0	00	20	
	1798	0	00	90	
	1797	0	08	40	
	1799	0	03	10	
	1814	0	01	10	
	1815	0	10	40	
	1813	0	00	20	
	1846	0	14	10	
	1847	0	06	70	
	1848	0	07	40	
	1853/1927	0	13	00	
	1856	0	00	30	
	1855	0	05	70	
	1854	0	07	00	
	1857	0	04	50	
	1858	0	16	20	
	1892	0	18	30	

तहसील : जमशार		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
नांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	1891	0	31	60	
एस	17	0	24	60	
	16	0	12	00	
	31	0	16	90	
	15	0	07	20	
	32	0	14	90	
	34	0	07	20	
	35	0	15	30	
	49	0	09	20	
	48/798	0	02	70	
	47	0	01	40	
	62	0	19	50	
	63	0	03	80	
	64	0	04	30	
	82	0	14	60	
	83	0	07	60	
	84	0	06	60	
	85	0	17	40	
	88	0	00	20	
	95	0	04	70	
	96	0	08	70	
	102	0	09	90	
	92	0	00	30	
	97	0	07	50	
	103	0	06	60	
	104	0	04	70	
	108	0	08	10	
	106	0	12	20	
	105	0	35	10	
	151	0	00	20	
	152	0	02	10	

तहसील : नमसर		जिला : पिल्लोड़		राज्य : राजस्थान	
नांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	153	0	07	60	
	168	0	02	00	
	156	0	05	70	
	157	0	00	50	
	167	0	07	70	
	154	0	00	20	
	159	0	02	50	
	166	0	02	20	
	172	0	21	00	
	172/736	0	06	00	
	440/747	0	02	90	
	440	0	05	80	
	441	0	00	20	
	440/748	0	02	00	
	449	0	00	20	
	450	0	08	00	
	450/749	0	05	30	
	451	0	05	20	
	509	0	42	80	
	512/810	0	00	20	
	513/754/807	0	07	80	
	510/859	0	06	30	
	519	0	01	40	
	605	0	16	20	
	604	0	00	20	
	603/768	0	10	80	
	602	0	03	30	
	601	0	26	00	
	600/777	0	02	10	
	577	0	14	90	
	594	0	05	30	

तहसील : मंगरार		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
गांव का नाम	असरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	593	0	19	90	
	592	0	00	20	
	591	0	15	60	
	590	0	20	30	
	584	0	01	60	
	588	0	02	50	
	695/786	0	11	10	
	695	0	14	70	
	694	0	06	30	
	697/769/1	0	08	90	
	697	0	20	40	
	706	0	05	10	
	707	0	02	10	
	708	0	13	50	
	709	0	11	20	
	712	0	19	60	
	711	0	01	20	
	713	0	11	70	
	714	0	00	70	
सुरजनिवा	59	0	12	60	
	60	0	05	60	
	201	0	01	70	
	61	0	00	20	
	200	0	07	10	
	203	0	00	20	
	205	0	03	00	
	206	0	07	50	
	208	0	08	00	
	210	0	08	00	
	215	0	00	40	
	214	0	03	80	

तहसील : जंमरार		जिला : पित्तोड़मंड		राज्य : राजस्थान	
गांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
बोलो का सांवता	165	0	00	50	
	188	0	02	60	
	167	0	13	40	
	183	0	02	90	
	184	0	00	70	
	185	0	01	30	
	186	0	09	70	
	181	0	08	90	
	189	0	07	50	
	767	0	06	10	
	190	0	17	30	
	769	0	08	30	
	785	0	04	80	
	786	0	09	30	
	845	0	07	90	
	844	0	04	00	
	815	0	02	40	
	816	0	00	20	
	817	0	18	50	
	840	0	00	20	
	839	0	02	80	
	817/1181	0	04	40	
	835	0	06	50	
	836	0	00	20	
	834	0	03	10	
	833	0	03	80	
	819	0	00	30	
	826	0	10	10	
	825	0	10	30	
	824	0	09	90	
	1090	0	02	40	

तहसील : मंमरार		जिला : चित्तौड़गढ़	राज्य : राजस्थान		
नांव का नाम	असरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	1090/1196	0	05	90	
	697	0	10	40	
	695	0	05	10	
	696	0	09	00	
	693	0	03	20	
	692	0	29	50	
	677	0	00	40	
	685	0	00	70	
	679	0	00	20	
	678	0	08	40	
	676	0	12	80	
	675	0	00	30	
	664	0	00	50	
	661	0	00	20	
	663	0	15	30	
	1126	0	00	20	
तालेड़ी	344	0	09	70	
	346	0	05	40	
	348	0	10	80	
	352	0	12	00	
	350	0	00	20	
	353	0	08	00	
	354	0	01	70	
	355	0	11	70	
	356	0	00	20	
	381/1	0	01	70	
	490/1	0	06	30	
	357	0	01	70	
	358	0	14	60	
	484	0	05	60	
	487	0	00	20	

तहसील : गंगरार		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
मांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
	488	0	27	40	
	486	0	00	60	
	485	0	02	30	
	501	0	04	40	
	531	0	00	80	
	532	0	00	40	
	530	0	10	10	
	535/598	0	00	20	
	533	0	00	80	
	529	0	03	90	
	528	0	01	60	
	527	0	01	10	
	526	0	01	00	
	525	0	00	80	
	523	0	00	20	
	534	0	12	80	
	524	0	00	20	
	538	0	13	50	
	520	0	23	80	
	540	0	13	20	
	540/582	0	01	10	
	561	0	00	20	
	563	0	10	50	

[फा. सं. आर-25011/31/2004-ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 24th August, 2005

S. O. 3015.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. number 634 dated 21.02.2005 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land in Tehsil : Gangrar, District : Chittaurgarh in the State of Rajasthan, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products in the State of Rajasthan from Beawar to Chittaurgarh in respect of "Branch Pipeline to Chittaurgarh from Sidhpur – Sanganer Pipeline" by the Indian Oil Corporation Limited.

And whereas, copy of the said notification was made available to the general public on 19.04.2005.

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vests from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : GANGRAR		District : CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
KASERI	59	0	08	00	
	62	0	06	30	
	61	0	07	90	
	65/1324	0	09	40	
	67/1326	0	00	60	
	67/1327	0	06	70	
	65/1325	0	01	90	
	66	0	00	20	
	68	0	12	80	
	69	0	11	90	
	106/1257	0	02	40	
	70	0	07	20	
	72	0	06	70	
	73	0	00	50	
	106	0	29	80	
	103	0	09	80	
	102	0	24	80	
	100	0	05	60	
	101	0	09	40	
	368	0	04	60	

Tehsil : GANGRAR		District : CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	369	0	00	30	
	367	0	07	20	
	197	0	09	60	
	182	0	00	20	
	198	0	00	20	
	199	0	10	70	
	201	0	06	00	
	200	0	00	60	
	202	0	13	70	
	205	0	05	00	
	204	0	00	20	
	207	0	00	20	
	206	0	04	40	
	214	0	00	20	
	306	0	12	10	
	299	0	01	80	
	305	0	00	60	
	300	0	07	10	
	297	0	14	40	
	296	0	05	70	
	295	0	01	80	
	278/1298	0	23	10	
	278	0	00	20	
	277	0	19	20	
	276	0	07	00	
	259	0	00	20	
	275	0	02	00	
	260	0	11	10	
	261	0	03	80	
	262	0	00	20	
	257	0	01	40	
	256	0	08	00	
	266	0	03	20	
	265	0	02	90	
	264	0	04	30	

Tehsil : GANGRAR		District : CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	943	0	09	90	
	927	0	16	30	
	926	0	13	20	
	904	0	12	80	
	905	0	10	20	
	906	0	02	80	
	908/1250	0	08	30	
	908	0	14	40	
	907	0	00	20	
	909	0	14	30	
	912	0	07	80	
	811	0	06	90	
	810	0	09	90	
	1208	0	11	70	
	1210	0	00	20	
	1226	0	31	70	
	1225	0	29	40	
	1224	0	00	90	
	1223	0	35	90	
	1215	0	00	20	
	1221/1304	0	18	40	
	1216	0	15	00	
	1217	0	12	30	
BUDH	1162Min	0	07	10	
	1165/1	0	11	50	
	1162/1	0	00	20	
	1172Min	0	01	00	
	1165Min	0	02	80	
	1164Min	0	08	30	
	1164/1	0	04	40	
	1176/1	0	01	10	
	85	0	24	80	
	84	0	01	80	
JAISINGHPURA	117	0	25	70	
	116	0	09	90	
	134	0	02	50	

Tehsil : GANGRAR		District : CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
SUDRI	135	0	09	30	
	136/1	0	12	00	
	193/1	0	09	30	
	193/2	0	09	80	
	188	0	12	80	
	188/716	0	04	00	
	180	0	08	70	
	240/1	0	00	20	
	66	0	37	70	
	415	0	13	00	
	288/1951	0	00	20	
	409	0	00	20	
	410	0	53	60	
	401	0	07	60	
	402	0	05	10	
	403	0	01	80	
	404	0	10	10	
	385	0	03	30	
	383	0	01	40	
	384	0	10	80	
	378	0	00	20	
	605	0	01	50	
	606	0	00	90	
	607	0	05	20	
	780	0	07	70	
	786	0	03	30	
	787	0	02	20	
	785	0	06	90	
	782	0	07	40	
	777	0	01	00	
	778	0	05	70	

Tehsil : GANGRAR		District : CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	775	0	05	50	
	776	0	00	30	
	759	0	04	10	
	758	0	09	90	
	757	0	02	60	
	738	0	00	80	
	751	0	02	70	
	739	0	00	20	
	750	0	03	60	
	748	0	01	20	
	740	0	01	90	
	747	0	00	60	
	741	0	02	10	
	745	0	03	60	
	744	0	00	70	
	743	0	02	70	
	1406	0	13	40	
	1408	0	00	20	
	1407	0	06	40	
	1414	0	00	20	
	1413	0	00	60	
	1412	0	00	90	
	1411	0	00	50	
	1410	0	04	20	
	1409	0	00	20	
	1397	0	01	20	
	1437	0	04	30	
	1453	0	06	90	
	1454	0	05	10	
	1455	0	05	40	
	1464	0	03	40	

Tehsil : GANGRAR		District : CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	1457	0	00	20	
	1463	0	03	30	
	1478	0	01	70	
	1477	0	05	90	
	1717	0	16	70	
	1718	0	08	30	
	1713	0	01	00	
	1765	0	07	70	
	1766	0	09	90	
	1767	0	06	50	
	1769	0	06	00	
	1791	0	12	10	
	1790/1922/1	0	07	30	
	1790/1922Min	0	06	90	
	1792	0	00	20	
	1798	0	00	90	
	1797	0	08	40	
	1799	0	03	10	
	1814	0	01	10	
	1815	0	10	40	
	1813	0	00	20	
	1846	0	14	10	
	1847	0	06	70	
	1848	0	07	40	
	1853/1927	0	13	00	
	1856	0	00	30	
	1855	0	05	70	
	1854	0	07	00	
	1857	0	04	50	
	1858	0	16	20	
	1892	0	18	30	

Tehsil : GANGRAR		District : CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
ERA	1891	0	31	60	
	17	0	24	60	
	16	0	12	00	
	31	0	16	90	
	15	0	07	20	
	32	0	14	90	
	34	0	07	20	
	35	0	15	30	
	49	0	09	20	
	48/798	0	02	70	
	47	0	01	40	
	62	0	19	50	
	63	0	03	80	
	64	0	04	30	
	82	0	14	60	
	83	0	07	60	
	84	0	06	60	
	85	0	17	40	
	88	0	00	20	
	95	0	04	70	
	96	0	08	70	
	102	0	09	90	
	92	0	00	30	
	97	0	07	50	
	103	0	06	60	
	104	0	04	70	
	108	0	08	10	
	106	0	12	20	
	105	0	35	10	
	151	0	00	20	
	152	0	02	10	

Tehsil : GANGRAR		District : CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	153	0	07	60	
	168	0	02	00	
	156	0	05	70	
	157	0	00	50	
	167	0	07	70	
	154	0	00	20	
	159	0	02	50	
	166	0	02	20	
	172	0	21	00	
	172/736	0	06	00	
	440/747	0	02	90	
	440	0	05	80	
	441	0	00	20	
	440/748	0	02	00	
	449	0	00	20	
	450	0	08	00	
	450/749	0	05	30	
	451	0	05	20	
	509	0	42	80	
	512/810	0	00	20	
	513/754/807	0	07	80	
	510/859	0	06	30	
	519	0	01	40	
	605	0	16	20	
	604	0	00	20	
	603/768	0	10	80	
	602	0	03	30	
	601	0	26	00	
	600/777	0	02	10	
	577	0	14	30	
	594	0	05	30	

Tehsil : GANGRAR		District : CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
GURJANIYA	593	0	19	90	
	592	0	00	20	
	591	0	15	60	
	590	0	20	30	
	584	0	01	60	
	588	0	02	50	
	695/786	0	11	10	
	695	0	14	70	
	694	0	06	30	
	697/769/1	0	08	90	
	697	0	20	40	
	706	0	05	10	
	707	0	02	10	
	708	0	13	50	
	709	0	11	20	
	712	0	19	60	
	711	0	01	20	
	713	0	11	70	
	714	0	00	70	
	59	0	12	60	
	60	0	05	60	
	201	0	01	70	
	61	0	00	20	
	200	0	07	10	
	203	0	00	20	
	205	0	03	00	
	206	0	07	50	
	208	0	08	00	
	210	0	08	00	
	215	0	00	40	
	214	0	03	80	

Tehsil : GANGRAR		District : CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
BOLO KA SANVATA	165	0	00	50	
	188	0	02	60	
	167	0	13	40	
	183	0	02	90	
	184	0	00	70	
	185	0	01	30	
	186	0	09	70	
	181	0	08	90	
	189	0	07	50	
	767	0	06	10	
	190	0	17	30	
	769	0	08	30	
	785	0	04	80	
	786	0	09	30	
	845	0	07	90	
	844	0	04	00	
	815	0	02	40	
	816	0	00	20	
	817	0	18	50	
	840	0	00	20	
	839	0	02	80	
	817/1181	0	04	40	
	835	0	06	50	
	836	0	00	20	
	834	0	03	10	
	833	0	03	80	
	819	0	00	30	
	826	0	10	10	
	825	0	10	30	
	824	0	09	90	
	1090	0	02	40	

Tehsil : GANGRAR		District : CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
TALERI	1090/1196	0	05	90	
	697	0	10	40	
	695	0	05	10	
	696	0	09	00	
	693	0	03	20	
	692	0	29	50	
	677	0	00	40	
	685	0	00	70	
	679	0	00	20	
	678	0	08	40	
	676	0	12	80	
	675	0	00	30	
	664	0	00	50	
	661	0	00	20	
	663	0	15	30	
	1126	0	00	20	
	344	0	09	70	
	346	0	05	40	
	348	0	10	80	
	352	0	12	00	
	350	0	00	20	
	353	0	08	00	
	354	0	01	70	
	355	0	11	70	
	356	0	00	20	
	381/1	0	01	70	
	490/1	0	06	30	
	357	0	01	70	
	358	0	14	60	
	484	0	05	60	
	487	0	00	20	

Tehsil : GANGRAR		District : CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
	488	0	27	40	
	486	0	00	60	
	485	0	02	30	
	501	0	04	40	
	531	0	00	80	
	532	0	00	40	
	530	0	10	10	
	535/598	0	00	20	
	533	0	00	80	
	529	0	03	90	
	528	0	01	60	
	527	0	01	10	
	526	0	01	00	
	525	0	00	80	
	523	0	00	20	
	534	0	12	80	
	524	0	00	20	
	538	0	13	50	
	520	0	23	80	
	540	0	13	20	
	540/582	0	01	10	
	561	0	00	20	
	563	0	10	50	

[F. No. R-25011/31/2004-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 25 अगस्त, 2005

का. आ. 3016.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 782 तारीख 3 मार्च, 2005, जो भारत के राजपत्र तारीख फरवरी 27-मार्च 5, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में ब्रूमालीगद (असम राज्य) से शिलिगुरी (पश्चिम बंगाल राज्य) तक पेट्रोलियम उत्पादों के परिवहन के लिए ब्रूमालीगद शिलिगुरी पाइपलाइन प्रसारण परियोजना के माध्यम से आर्थेल इंडिया लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 15-06-2005 को उपलब्ध कर दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विलंगनों से मुक्त, आर्यल इंडिया लिमिटेड में निहित होगा।

अनुसूची

पुलिस थाना : तुफानगंज - 2 जिला : कूचबिहार					राज्य : पश्चिम बंगाल		
क्रम सं.	गाँव का नाम	अधिकारिता सूचि संख्या	पुराना प्लाट	नया प्लाट संख्या	क्षेत्रफल		
1	2	3	4	5	हेक्टेयर	एयर	वर्ग मीटर
1	छाठ भालका	21	1356	1356	0	5	61
			1075	1075	0	0	25
2	रामपुर	19	3024	3671	1	17	16
			7	187	1	10	43
			7	317			
			19	183	0	30	14
			8	176			
			8	177			
			8	178			
			8	179			
			8	182	0	56	80
			8	192			
			8	193			
			8	194			
			8	195			
			2	180	0	72	9
			2	181			
			1	1			
			1	2			
			1	3			
			1	4			
			1	5			
			1	6	0	68	68
			1	7			
			1	8			
			1	9			
			1	10			
			1	11			
			1	12			

[फा. सं. ओ-12016/2/2005-ओ.एन.जी/डी.ओ.-IV]

ओ. पी. बनवारी, अवर सचिव

New Delhi, the 25th August, 2005

S. O. 3016.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O 782, dated the 3rd March, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the February 27 – March 5, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products through Numaligrah Siliguri Pipeline Expansion Project from Numaligarh in the State of Assam to Siliguri in State of West Bengal by Oil India Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 15.06.2005.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Oil India Limited, free from all encumbrances.

(Schedule annexed)–

SCHEDULE

Police Station : Tufanganj			District : Coochbehar		State : West Bengal		
Sr. No	Name of the Village	Jurisdiction List No.	Old Plot No.	New Plot No.	Area		
					Hectare	Are	Sq.mtr
1	2	3	4	5	6	7	8
1	Chhat Bhalka	21	1356	1356	0	05	61
			1075	1075	0	00	25
2	Rampur	19	3024	3671	1	17	16
			7	187	1	10	43
			7	317			
			19	183	0	30	14
			8	176			
			8	177			
			8	178			
			8	179			
			8	182	0	56	80
			8	192			
			8	193			
			8	194			
			8	195			
			2	180	0	72	09
			2	181			

1	2	3	4	5	6	7	8
			1	1			
			1	2			
			1	3			
			1	4			
			1	5			
			1	6	0	68	68
			1	7			
			1	8			
			1	9			
			1	10			
			1	11			
			1	12			

[F. No. O-12016/2/2005-O.N.G./D.O.-IV]

O. P. BANWARI, Under Secy.

नई दिल्ली, 25 अगस्त, 2005

का. आ. 3017.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 783 तारीख 3 मार्च, 2005, जो भारत के राजपत्र तारीख फरवरी 27-मार्च 5, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में नूमालीगद (असम राज्य) से शिलिगुरी (पश्चिम बंगाल राज्य) तक पेट्रोलियम उत्पादों के परिवहन के लिए नूमालीगद शिलिगुरी पाइपलाइन प्रसारण परियोजना के माध्यम से आर्यल इंडिया लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 12.05.05 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विलम्बों से मुक्त, आर्यल इंडिया लिमिटेड में निहित होगा।

अनुसूची

पुलिस थाना : राजमंज			जिला : जलपाईगुड़ी		राज्य : पश्चिम बंगाल		
क्रम सं.	गाँव का नाम	अधिकारिता सूचि संख्या	पुराना प्लाट संख्या	नया प्लाट संख्या	क्षेत्रफल		
1	2	3	4	5	हेक्टेयर	एयर	वर्ग मीटर
1	डाबग्राम	2	601	601	0	7	21
			604	604	0	11	10
			1610	1610	0	12	9
			1488	1488	0	5	18
			1487	1487	0	3	96
			1486	1486	0	2	26
			1484	1484	0	3	32
			1612	1612	0	0	25
			603	603	0	23	88
			1611	1611	0	4	53
			80	80	0	5	38
			79	79	0	67	96
			398	398	0	7	29
			396	396	0	8	15
			397	397	0	8	2
			395	395	0	13	45
			478	478	0	5	40
			367	367	0	22	74
			337	337	0	15	20
			368	368	0	14	45
			371	371	0	6	55
			374	374	0	1	78

[फा. सं. ओ-12016/2/2005-ओ.एन.जी/डी.ओ.-IV]

ओ. पी. बनवारी, अवर सचिव

New Delhi, the 25th August, 2005

S. O. 3017.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 783, dated the 3rd March, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the February 27 – March 5, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products through Numaligrah Siliguri Pipeline Expansion Project from Numaligarh in the State of Assam to Siliguri in State of West Bengal by Oil India Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 12.05.2005.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Oil India Limited, free from all encumbrances.

SCHEDULE

Police Station: Rajganj			District : Jalpaiguri		State : West Bengal		
Sr. No	Name of Village	Jurisdiction List No.	Old Plot No.	New Plot No.	Area		
					Hectare	Are	Sq.mtr.
1	2	3	4	5	6	7	8
1	Dabnram	2	801	801	0	07	21
			604	604	0	11	10
			1610	1610	0	12	09
			1488	1488	0	05	18
			1487	1487	0	03	96
			1486	1486	0	02	26
			1484	1484	0	03	32
			1612	1612	0	00	25
			603	603	0	23	88
			1611	1611	0	04	53
			80	80	0	05	38
			79	79	0	67	96
			398	398	0	07	29
			396	396	0	08	15
			397	397	0	08	02
			395	395	0	13	45
			478	478	0	05	40
			367	367	0	22	74
			337	337	0	15	20
			368	368	0	14	45
			371	371	0	06	55
			374	374	0	01	78

[F. No. O-12016/2/2005-O.N.G./D.O.-IV]

O. P. BANWARI, Under Secy.

नई दिल्ली, 25 अगस्त, 2005

का. आ. 3018.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 784 तारीख 3 मार्च, 2005, जो भारत के राजपत्र तारीख फरवरी 27-मार्च 5, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में बूमालीगद (असम राज्य) से शिलिगुरी (पश्चिम बंगाल राज्य) तक पेट्रोलियम उत्पादों के परिवहन के लिए बूमालीगद शिलिगुरी पाइपलाइन प्रसारण परियोजना के माध्यम से आर्यल इंडिया लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 26-06-2005 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त, आर्यल इंडिया लिमिटेड में निहित होगा।

अनुसूची

पुलिस थाना : समुस्तला			जिला : जलपाईगुड़ी		राज्य : पश्चिम बंगाल		
क्रम सं.	गाँव का नाम	अधिकारिता सूचि संख्या	पुराना प्लॉट संख्या	नया प्लॉट संख्या	क्षेत्रफल		
1	2	3	4	5	हेक्टेयर	एयर	वर्ग मीटर
1	उत्तर पारोकाव	129	412	412	0	12	20
			410	410	0	12	57
			409	409	0	62	45
			408	408	0	02	29
			321	321	0	04	07
			320	320	0	00	69
2	चेपानी	127	1521	2317	0	05	72
			1520	2311	0	25	60
			1520	2316	0	27	62
			1519	2313			
			1519	2315			
			1518	2312	0	03	27
			1506	2312	0	08	25
			1506	2310	0	00	99
			1507	2309			
			1505	2307			
			1503	2306	0	02	52
			1501	2305	0	04	19
			1427	2290	0	14	45
			49	99	0	01	67
			48	98	0	01	24
			425	991	0	01	88
			425	792			
			425	793			
			47	97	0	01	10
			35	93	0	07	80

पुलिस थाना : समुखनला			जिला : जलपाईगुड़ी		राज्य : पश्चिम बंगाल		
क्रम सं.	गाँव का नाम	अधिकारिता सूचि संख्या	पुराना प्लॉट संख्या	नया प्लॉट संख्या	क्षेत्रफल		
1	2	3	4	5	हेक्टेयर	एयर	वर्ग मीटर
			34	52			
			34	53	0	05	27
			34	54			
			25	49			
			25	50	0	04	82
			25	51			
			23	32			
			23	8	0	22	52
			23	36			
			23	37			
			23	40			
			22	31	0	04	81
			21	9	0	01	65
			21	30			
			3	7	0	03	56
			5	5	0	01	68
3	कदमपुर	100	689	689	0	14	39
			688	688	0	10	08
			687	687	0	00	76
			1055	1055	0	00	28
			719	719	0	00	29
			718	718	0	07	31
			717	717	0	05	05
			716	716	0	13	28
			713	713	0	08	37
			711	711	0	01	90
4	पुखुरिया	83	153	153	0	04	93
			150	150	0	01	81
			148	148	0	08	65
			151	151	0	18	65
			58	58	0	00	66
			61	61	0	05	02
			62	62	0	01	82
			63	63	0	01	63

[फा. सं. ओ-12016/2/2005-ओ.एन.जी/डी.ओ.-IV]

ओ. पी. बनवारी, अव्वर सचिव

New Delhi, the 25th August, 2005

S. O. 3018.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O 784, dated the 3rd March, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the February 27 – March 5, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products through Numaligrah Siliguri Pipeline Expansion Project from Numaligarh in the State of Assam to Siliguri in State of West Bengal by Oil India Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 06.06.2005.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Oil India Limited, free from all encumbrances.

SCHEDULE

Police Station : Samuktala			District : Jalpaiguri		State : West Bengal		
Sr. No	Name of the Village	Jurisdiction List No.	Old Plot No.	New Plot No.	Area		
					Hectare	Are	Sq. mtr.
1	2	3	4	5	6	7	8
1	Uttar Parokata	129	412	412	0	12	20
			410	410	0	12	57
			409	409	0	62	45
			408	408	0	02	29
			321	321	0	04	07
			320	320	0	00	69
2	Chepani	127	1521	2317	0	05	72
			1520	2311 }	0	25	60
			1520	2316 }			
			1519	2313 }	0	27	62
			1519	2315 }			
			1518	2312	0	03	27
			1506	2312 }	0	08	25
			1506	2310 }			
			1507	2309	0	00	99
			1505	2307	0	04	19
			1503	2306	0	02	52
			1501	2305	0	04	19
			1427	2290	0	14	45
			49	99	0	01	67
			48	98	0	01	24
			425	991 }			
			425	792 }	0	01	88
			425	793 }			
			47	97	0	01	10
			35	93	0	07	80
			34	52 }			
			34	53 }	0	05	27
			34	54 }			
			25	49 }			
			25	50 }	0	04	82
			25	51 }			
			23	32 }			
			23	8 }			
			23	36 }	0	22	52
			23	37 }			
			23	40 }			

Sr. No	Name of the Village	Jurisdiction List No.	Old Plot No.	New Plot No.	Area		
					Hectare	Are	Sq.mtr.
1	2	3	4	5	6	7	8
3	Kadampur	100	22	31	0	04	81
			21	9	0	01	65
			21	30			
			3	7	0	03	56
			5	5	0	01	68
			689	689	0	14	39
			688	688	0	10	08
			687	687	0	00	76
			1055	1055	0	00	28
			719	719	0	00	29
			718	718	0	07	31
			717	717	0	05	05
			716	716	0	13	28
			713	713	0	08	37
4	Pukhuria	83	711	711	0	01	90
			153	153	0	04	93
			150	150	0	01	81
			148	148	0	08	65
			151	151	0	18	65
			58	58	0	00	66
			61	61	0	05	02
			62	62	0	01	82
			63	63	0	01	63

[F. No. O-12016/2/2005-O.N.G./D.O.-IV]

O. P. BANWARI, Under Secy.

नई दिल्ली, 25 अगस्त, 2005

का. आ. 3019.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 785 तारीख 3 मार्च, 2005, जो भारत के राजपत्र तारीख फरवरी 27-मार्च 5, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में नूमालीगद (असम राज्य) से शिलिगुरी (पश्चिम बंगाल राज्य) तक पेट्रोलियम उत्पादों के परिवहन के लिए नूमालीगद शिलिगुरी पाइपलाइन प्रसारण परियोजना के माध्यम से आर्चल इंडिया लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 06-06-2005 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त, आर्यल इंडिया लिमिटेड में निहित होगा।

अनुसूची

पुलिस थाना : कुमाग्राम			जिला : जलपाईगुडी		राज्य : पश्चिम बंगाल		
क्रम सं.	गाँव का नाम	अधिकारिता सूचि संख्या	पुराना प्लाट संख्या	नया प्लाट संख्या	क्षेत्रफल		
1	2	3	4	5	हेक्टेयर	एयर	वर्ग मीटर
1	पाकरीगुडी	54	378	1367	1	16	57
			378	1370			
			378	1371			
			378	1372			
			378	1375			
			368	1353	0	62	54
			368	1354			
			368	1355			
			368	1356			
			368	1357			
			368	1368	0	07	23
			368	1369			
			349	1303	0	03	02
			348	1302	0	03	02

[फा. सं. ओ-12016/2/2005-ओ.एन.जी/डी.ओ.-IV]

ओ. पी. बनवारी, अवर सचिव

New Delhi, the 25th August, 2005

S. O. 3019.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O 785, dated the 3rd March, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the February 27 – March 5, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products through Numaligrah Siliguri Pipeline Expansion Project from Numaligarh in the State of Assam to Siliguri in State of West Bengal by Oil India Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 06.06.2005.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Oil India Limited, free from all encumbrances.

SCHEDULE

Police Station: Kumargram			District : Jalpaiguri		State : West Bengal		
Sr. No	Name of Village	Jurisdiction List No.	Old Plot No.	New Plot No.	Area		
					Hectare	Are	Sq.mtr.
1	2	3	4	5	6	7	8
1	Pakriguri	54	378	1367	1	16	57
			378	1370			
			378	1371			
			378	1372			
			378	1375			
			368	1353	0	62	54
			368	1354			
			368	1355			
			368	1356			
			368	1357			
			368	1368	0	07	23
			368	1369			
			349	1303	0	07	23
			348	1302	0	03	02

[F. No. O-12016/2/2005-O.N.G./D.O.-IV]

O. P. BANWARI, Under Secy.

नई दिल्ली, 25 अगस्त, 2005

का. आ. 3020.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 786 तारीख 3 मार्च, 2005, जो भारत के राजपत्र तारीख फरवरी 27-मार्च 5, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में नूमालीगद (असम राज्य) से शिलिगुरी (पश्चिम बंगाल राज्य) तक पेट्रोलियम उत्पादों के परिवहन के लिए नूमालीगद शिलिगुरी पाइपलाइन प्रसारण परियोजना के माध्यम से आर्येल इंडिया लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 14-07-2005 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है :

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त, आर्येल इंडिया लिमिटेड में निहित होगा।

अनुसूची

पुलिस थाना : कालचीनी			जिला : जलपाईगुड़ी		राज्य : पश्चिम बंगाल		
क्रम सं.	गाँव का नाम	अधिकारिता सूचि संख्या	पुराना प्लॉट संख्या	नया प्लॉट संख्या	क्षेत्रफल		
					हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	मालंगी चाय बगान	20	661	661	0	01	65
2	परमलंगी	2	687	8	0	0	50
			12	9	0	28	6
			11	13	0	01	54

[फा. सं. ओ-12016/2/2005-ओ.एन.जी/डी.ओ.-IV]

ओ. पी. बनवारी, अवर सचिव

New Delhi, the 25th August, 2005

S. O. 3020.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O 786, dated the 3rd March, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the February 27 – March 5, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products through Numaligrah Siliguri Pipeline Expansion Project from Numaligarh in the State of Assam to Siliguri in State of West Bengal by Oil India Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 14.07.2005.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Oil India Limited, free from all encumbrances.

SCHEDULE

Police Station : Kalchini		District : Jalpaiguri			State : West Bengal		
Sr. No	Name of Village	Jurisdiction List No.	Old Plot No.	New Plot No.	Area		Sq.mtr.
					Hectare	Are	
1	2	3	4	5	6	7	8
1	Malangi Tea Garden	20	661	661	0	01	65
2	Parmalangi	2	687	8	0	0	50
			12	9	0	28	6
			11	13	0	01	54

[F. No. O-12016/2/2005-O.N.G./D.O.-IV]

O. P. BANWARI, Under Secy.

नई दिल्ली, 25 अगस्त, 2005

का.आ. 3021.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 787 तारीख 3 मार्च, 2005, जो भारत के राजपत्र तारीख फरवरी 27-मार्च 5, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में बूमालीगद (असम राज्य) से शिलिगुरी (पश्चिम बंगाल राज्य) तक पेट्रोलियम उत्पादों के परिवहन के लिए बूमालीगद शिलिगुरी पाइपलाइन प्रसारण परियोजना के माध्यम से आर्यल इंडिया लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 08-06-2005 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त, आर्यल इंडिया लिमिटेड में निहित होगा।

अनुसूची

पुलिस थाना : मदारीहाट			जिला : जलपाईगुड़ी		राज्य : पश्चिम बंगाल		
क्रम सं.	गाँव का नाम	अधिकारिता सूचि संख्या	पुराना प्लॉट संख्या	नया प्लॉट संख्या	क्षेत्रफल		
1	2	3	4	5	हेक्टेयर	एयर	वर्ग मीटर
1	उत्तर शिशुबाड़ी	19	220	639	0	06	52
			220	638			
			220	220			
			222	222	0	03	66
			225	225	0	04	66
			226	226	0	02	38
			227	227	0	05	57
			233	233	0	03	52

[फा. सं. ओ-12016/2/2005-ओ.एन.जी/डी.ओ.-IV]

ओ. पी. बनवारी, अवर सचिव

New Delhi, the 25th August, 2005

S. O. 3021.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O 787, dated the 3rd March, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the February 27 – March 5, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products through Numaligrah Siliguri Pipeline Expansion Project from Numaligarh in the State of Assam to Siliguri in State of West Bengal by Oil India Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 08.06.2005.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Oil India Limited, free from all encumbrances.

SCHEDULE

Police Station : Madarhat			District : Jalpaiguri		State : West Bengal		
Sr. No	Name of Village	Jurisdiction List No.	Old Plot No.	New Plot No.	Area		
					Hectare	Are	Sq.mtr.
1	2	3	4	5	6	7	8
1	Uttar Sishubari	19	220	639	0	06	52
			220	638			
			220	220			
			222	222	0	03	66
			225	225	0	04	66
			226	226	0	02	38
			227	227	0	05	57
			233	233	0	03	52

[F. No. O-12016/2/2005-O.N.G./D.O.-IV]

O. P. BANWARI, Under Secy.

नई दिल्ली, 25 अगस्त, 2005

का. आ. 3022.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 788 तारीख 3 मार्च, 2005, जो भारत के राजपत्र तारीख फरवरी 27-मार्च 5, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में नूमालीगद (असम राज्य) से शिलिगुरी (पश्चिम बंगाल राज्य) तक पेट्रोलियम उत्पादों के परिवहन के लिए नूमालीगद शिलिगुरी पाइपलाइन प्रसारण परियोजना के माध्यम से आर्यल इंडिया लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 01-06-2005 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगनों से मुक्त, आर्यल इंडिया लिमिटेड में निहित होगा।

अनुसूची

थाना : बागराकाय			जिला : जलपाईगुड़ी		राज्य : पश्चिम बंगाल		
क्रम सं.	गाँव का नाम	अधिकारिता सूचि संख्या	पुराना प्लॉट संख्या	नया प्लॉट संख्या	क्षेत्रफल		
					हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	आसमोड चाय बगान	15	253	253	0	10	27
			261	261	0	04	85
			260	260	0	00	95
			259	259	0	25	35
			252	252	0	09	35
			192	192	0	08	33
			257	257	0	00	58

1	2	3	4	5	6	7	8
2	नामसंकेत	7	258	258	0	01	07
			259	259	0	01	76
			242	242	0	00	70
			241	241	0	00	86
			240	240	0	00	68
			203	203	0	00	25
			202	202	0	06	82
			201	201	0	10	74
			200	200	0	08	99
			196	196	0	01	90
			195	195	0	00	81
			194	194	0	03	54
			190	190	0	02	03
			193	193	0	01	64
			191	191	0	01	05
			192	192	0	00	25

[फा. सं. ओ-12016/2/2005-ओ.एन.जी/डी.ओ.-IV]

ओ. पी. बनवारी, अवर सचिव

New Delhi, the 25th August, 2005

S. O. 3022.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O 788, dated the 3rd March, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the February 27 – March 5, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products through Numaligrah Siliguri Pipeline Expansion Project from Numaligarh in the State of Assam to Siliguri in State of West Bengal by Oil India Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 01.06.2005.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Oil India Limited, free from all encumbrances.

SCHEDULE

Police Station : Nagrakata			District : Jalpaiguri		State : West Bengal		
Sr. No	Name of Village	Jurisdiction List No.	Old Plot No.	New Plot No.	Area		
					Hectare	Are	Sq.mtr.
1	2	3	4	5	6	7	8
1	Grassmore Tea Garden	15	253	253	0	10	27
			261	261	0	04	85
			260	260	0	00	95
			259	259	0	25	35
			252	252	0	09	35
			192	192	0	08	33
			257	257	0	00	58
2	Nagrakata	7	258	258	0	01	07
			259	259	0	01	76
			242	242	0	00	70
			241	241	0	00	86
			240	240	0	00	68
			203	203	0	00	25
			202	202	0	06	82
			201	201	0	10	74
			200	200	0	08	99
			196	196	0	01	90
			195	195	0	00	81
			194	194	0	03	54
			190	190	0	02	03
			193	193	0	01	64
			191	191	0	01	05
			192	192	0	00	25

[F. No. O-12016/2/2005-O.N.G./D.O.-IV]
O. P. BANWARI, Under Secy.

नई दिल्ली, 25 अगस्त, 2005

का. आ. 3023.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 789 तारीख 3 मार्च, 2005, जो भारत के राजपत्र तारीख फरवरी 27-मार्च 5, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में नूमालीगद (असम राज्य) से शिलिगुरी (पश्चिम बंगाल राज्य) तक पेट्रोलियम उत्पादों के परिवहन के लिए नूमालीगद शिलिगुरी पाइपलाइन प्रसारण परियोजना के माध्यम से आर्यल इंडिया लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 31-06-2005 को उपलब्ध करा दी गई थी ;

और उक्त प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगनों से मुक्त, आर्यल इंडिया लिमिटेड में निहित होगा।

अनुसूची

पुलिस थाना : माल			जिला : जलपाईगुड़ी		राज्य : पश्चिम बंगाल		
क्रम सं.	गाँव का नाम	अधिकारिता सूचि संख्या	पुराना प्लॉट	नया प्लॉट संख्या	क्षेत्रफल		
1	2	3	4	5	हेक्टेयर	एयर	वर्ग मीटर
1	तुनसाही चाय बगान	29	159	322	0	11	38
			159	323			
			159	325			
			159	326			
			159	328			
2	हाय हाय पायार चाय बगान	43	108	387	0	29	73
			105	214	0	09	83
			102	206	0	01	44
			101	201	0	06	32
			91	91	0	03	92
			63	96	0	00	30
			64	93	0	00	25
			361	522	0	45	30
			361	523			
			362	520	0	01	07
			367	528	0	01	00
			367	506			
			368	529	0	01	21
			370	370	0	00	28
			360	519	0	00	33
			369	370	0	15	60
			369	63			
			369	967			
			369	66	0	26	65
			356	510			
			356	512			
			359	511	0	03	47
			359	506			
			359	507			
			359	512	0	02	56
			498	514			
			498	512			

पुलिस थाना : माल		जिला : जलपाईगुड़ी			राज्य : पश्चिम बंगाल		
क्रम सं.	गाँव का नाम	अधिकारिता सूचि संख्या	पुराना प्लॉट	नया प्लॉट संख्या	क्षेत्रफल		
1	2	3	4	5	हेक्टेयर	एयर	वर्ग मीटर
2	हाम हाम पाथर चाम बगान	43	497	506	0	03	89
			497	509			
			497	507			
			497	512			
3	जिनु ब्लेन्को चाय बगान	42	23	23	0	11	68
			23	23/155			
			23	23/156			
			23	23/157			
			23	23/158	0	1	84
			6	6			
			6	6/135			
			6	6/136			
			6	6/137	0	24	41
			7	7			
			7	7/138			
			7	7/139			
			7	7/140	0	02	43
			7	7/189			
			9	9			
			9	9/142			
			9	9/143	0	01	67
			9	9/144			
			5	5			
			3	3			
			1	1	0	02	65
			133	118/113			
			115	115			
			118	118/180	0	11	01
			118	118/181			
			118	118/182			
			118	118/183			
			118	118	0	20	11
			116	116/175			
			116	116/176			
			116	116/177			
			116	116/178	0	29	27
			116	116/179			
			116	116			
4	रामाभाठी चाय बगान	31	1088	987	0	01	49
5	पश्चिम छामडीम	39	40	40	0	08	64
			41	41	0	08	82
			37	37	0	40	44
			4	4	0	43	42
			38	38	0	09	35
			25	25	0	15	88
			6	6	0	29	27
6	उदलाबाडी	20	851	1432	0	25	35
			851	1433			
			851	1434			
			850	1427			
			850	1428	0	16	19
			850	1431			
			706	1144	0	38	39

पुलिस थाना : माल		जिला : जलपाईगुड़ी . राज्य : पश्चिम बंगाल						
क्रम सं.	गाँव का नाम	अधिकारिता सूचि संख्या	पुराना प्लॉट	नया प्लॉट संख्या	क्षेत्रफल			
					हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	6	7	8	
7	रानीचौर चाय बगान	34	660	679	0	01	29	
			660	680				
			660	681				
8	उत्तर फुलबाडी	12	117	117	0	28	72	
			118	118	0	15	31	
			107	107	0	19	39	
			105	105	0	21	18	
			99	99	0	07	12	
			100	100	0	07	95	
			101	101	0	03	45	
			103	103	0	00	25	
			61	61	0	00	29	
			58	58	0	48	08	
			59	59	0	16	15	
			60	60	0	00	28	
9	बागराकोटा चाय बगान	11	657	678	0	01	67	
			655	676	0	36	26	
			654	675	0	00	78	
			653	674	0	17	22	
			652	673	0	16	43	
			650	671	0	00	81	
			625	644	0	04	43	
			648	670	0	35	64	
			660	668	0	00	25	
			646	665	0	11	31	
			647	666	0	13	88	
			644	663	0	06	84	
			645	664	0	17	02	
			643	662	0	11	95	
			627	646	0	00	55	
			198	200	0	25	08	
			199	201	0	06	37	
			236	203	0	00	25	
10	मानाबाडी चाय बगान	21	317	461	0	34	99	
			317	462	0	01	10	
11	कलागाइती	6	310	310				
12	वाशाबाडी चाय बगान	5	311	311	0	49	35	
			241	292	0	01	62	
			240	291	0	02	21	
			239	290	0	08	90	
			233	270	0	02	48	
			232	269	0	09	02	

[फा. सं. ओ-12016/2/2005-ओ.एन.जी/डी.ओ.-IV]

ओ. पी. बनवारी, अवर सचिव

New Delhi, the 25th August, 2005

S. O. 3023.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O 789, dated the 3rd March, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the February 27 – March 5, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products through Numaligrah Siliguri Pipeline Expansion Project from Numaligarh in the State of Assam to Siliguri in State of West Bengal by Oil India Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 31.06.2005.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Oil India Limited, free from all encumbrances.

SCHEDULE

Police Station : Mal			District : Jalpaiguri		State : West Bengal		
Sr. No	Name of Village	Jurisdiction List No.	Old Plot No.	New Plot No.	Area		
					Hectare	Are	Sq.mtr.
1	2	3	4	5	6	7	8
1	Tunbari Tea Garden	29	159	322	0	11	38
			159	323			
			159	325			
			159	326			
			159	328			
2	Hai Hai Pathar Tea Garden	43	108	387	0	29	73
			105	214	0	09	83
			102	206	0	01	44
			101	201	0	06	32
			91	91	0	03	92
			63	96	0	00	30
			64	93	0	00	25
			361	522	0	45	30
			361	523	0	01	07
			362	520			

Police Station : Mal			District : Jalpalguri		State : West Bengal		
Sr. No	Name of Village	Jurisdiction List No.	Old Plot No.	New Plot No.	Area		
					Hectare	Are	Sq.mtr.
1	2	3	4	5	6	7	8
2	Hai Hail Pathar Tea Garden		367	528	0	01	00
			367	506			
			368	529			
			370	370			
			360	519			
			369	370			
			369	63			
			369	967			
			369	66			
			356	510			
			356	512			
			359	511			
			359	506			
			359	507			
			359	512			
			498	514			
			498	512			
			497	506			
			497	509			
			497	507			
			497	512			
			23	23			
			23	23/155			
			23	23/156			
			23	23/157			
			23	23/158			
			6	6			
			6	6/135			
			6	6/136			
			6	6/137			
			7	7			
			7	7/138			
			7	7/139			
			7	7/140			
			7	7/189			
			9	9			
			9	9/142			
			9	9/143			
			9	9/144			
			5	5			
			3	3			
			1	1			
			133	118/113			
			115	115			
			118	118/180			
			118	118/181			
			118	118/182			
			118	118/183			
			118	118			
			116	116/175			
			116	116/176			
			116	116/177			
			116	116/178			
			116	116/179			
			116	116			
3	New Glenco Tea Garden	42	23	23	0	11	68
			23	23/155			
			23	23/156			
			23	23/157			
			23	23/158			
			6	6			
			6	6/135			
			6	6/136			
			6	6/137			
			7	7			
			7	7/138			
			7	7/139			
			7	7/140			
			7	7/189			
			9	9			
			9	9/142			
			9	9/143			
			9	9/144			
			5	5			
			3	3			
			1	1			
			133	118/113			
			115	115			
			118	118/180			
			118	118/181			
			118	118/182			
			118	118/183			
			118	118			
			116	116/175			
			116	116/176			
			116	116/177			
			116	116/178			
			116	116/179			
			116	116			

Police Station : Mal			District : Jalpaiguri		State : West Bengal		
Sr. No	Name of Village	Jurisdiction List No.	Old Plot No.	New Plot No.	Area		
					Hectare	Are	Sq.mtr.
1	2	3	4	5	6	7	8
4	Rangamati Tea Garden Paschim Dam Dim	31	1088	987	0	01	49
5		39	40	40	0	08	64
			41	41	0	08	82
			37	37	0	40	44
			4	4	0	43	42
			38	38	0	09	35
			25	25	0	15	88
			6	6	0	29	27
6	Odlabari	20	851	1432	0	25	35
			851	1433			
			851	1434			
			850	1427	0	16	19
			850	1428			
			850	1431			
			708	1144	0	38	39
7	Rani Chera Tea Garden	34	660	679	0	01	29
			680	680			
			660	681			
8	Uttar Phulbari	12	117	117	0	28	72
			118	118	0	15	31
			107	107	0	19	39
			105	105	0	21	18
			99	99	0	07	12
			100	100	0	07	95
			101	101	0	03	45
			103	103	0	00	25
			61	61	0	00	29
			58	58	0	48	08
			59	59	0	16	15
			60	60	0	00	28
9	Bagrakote Tea Garden	11	657	678	0	01	67
			655	676	0	36	26
			654	675	0	00	78
			653	674	0	17	22
			652	673	0	16	43
			650	671	0	00	81
			625	644	0	04	43
			648	670	0	35	64
			660	668	0	00	25
			646	665	0	11	31
			647	666	0	13	88
			644	663	0	06	84
			645	664	0	17	02
			643	662	0	11	95
			627	646	0	00	55
			198	200	0	25	08
			199	201	0	06	37
			236	203	0	00	25
10	Manabari Tea Garden	21	317	461	0	34	99
			317	462			
11	Kalaqaity	6	310	310	0	01	10
			311	311	0	49	35

Police Station : Mal			District : Jalpaiguri		State : West Bengal		
Sr. No	Name of Village	Jurisdiction List No.	Old Plot No.	New Plot No.	Area		
					Hectare	Are	Sq.mtr.
1	2	3	4	5	6	7	8
12	Washabari Tea Garden	5	241	292	0	01	62
			240	291	0	02	21
			239	290	0	08	90
			233	270	0	02	48
			232	269	0	09	02

[F. No. O-12016/2/2005-O.N.G./D.O.-IV]

O. P. BANWARI, Under Secy.

नई दिल्ली, 25 अगस्त, 2005

का.आ. 3024.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 790 तारीख 3 मार्च, 2005, जो भारत के राजपत्र तारीख फरवरी 27-मार्च 5, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में नूमालीगद (असम राज्य) से शिलिगुरी (पश्चिम बंगाल राज्य) तक पेट्रोलियम उत्पादों के परिवहन के लिए नूमालीगद शिलिगुरी पाइपलाइन प्रसारण परियोजना के माध्यम से आर्येल इंडिया लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 22-06-2005 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त, आर्येल इंडिया लिमिटेड में निहित होगा।

अनुसूची

पुलिस थाना : मठेली		खिला : खलपाईगुडी			राज्य : पश्चिम बंगाल		
क्रम सं.	गाँव का नाम	अधिकारिता सूचि संख्या	पुराना प्लाठ	नया प्लाठ संख्या	क्षेत्रफल		
1	2	3	4	5	हेक्टेयर	एयर	वर्ग मीटर
1.	जालसा महाबादी	16	323	323	0	00	55
2	सातकन्या राय बंगाल	18	403	555	0	24	12
			402	554	0	16	53
			401	553	0	01	93
			400	552	0	02	25
			321	394	0	28	72
			320	393	0	11	96
			316	381	0	00	49
			316	392			
			311	391	0	00	54
			137	143	0	07	32
			137	146			
			138	144	0	00	25
			138	147			
			125	132	0	00	96
			126	131	0	01	89
			124	130	0	01	84
			122	128	0	24	44
			121	126	0	03	93
			120	119	0	02	37
			111	112	0	05	31
			110	111	0	10	26
			98	99	0	00	25
			97	98	0	01	29
			96	97	0	31	83
			95	96	0	19	99
3	सोबनाली राय बंगाल	4	570	637	0	25	28
			240	292	0	05	82
				291			
			239	290	0	03	10
				289			
			235	287	0	29	80
				288			
			234	285	0	05	22
				286			
			233	300	0	00	80
			230	283	0	06	42
				284			
			231	231	0	02	79
			229	281	0	11	38
				282			
			226	276	0	00	43
			228	278	0	00	25
				279			
			227	277	0	13	21

[फा. सं. ओ-12016/2/2005-ओ.एन.जी/डी.ओ.-IV]

ओ. पी. बनवारी, अवर सचिव

New Delhi, the 25th August, 2005

S. O. 3024.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O 790, dated the 3rd March, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the February 27 – March 5, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products through Numaligrah Siliguri Pipeline Expansion Project from Numaligarh in the State of Assam to Siliguri in State of West Bengal by Oil India Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 22.06.2005.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Oil India Limited, free from all encumbrances.

SCHEDULE

Police Station :Matell			District : Jalpaiguri		State : West Bengal		
Sr. No	Name of Village	Jurisdiction List No.	Old Plot No.	New Plot No.	Area		
					Hectare	Are	Sq.mtr.
1	2	3	4	5	6	7	8
1	Chalsa Mahabari	16	323	323	0	00	55
2	Sathkaya Tea	18	403	555	0	24	12
			402	554	0	16	53
			401	553	0	01	93
			400	552	0	02	25
			321	394	0	28	72
			320	393	0	11	96
			316	381	0	00	49
			316	392			
			311	391	0	00	54
			137	143	0	07	32
			137	146			
			138	144	0	00	25
			138	147			
			125	132	0	00	96

Sr. No	Name of Village	Jurisdiction List No.	Old Plot No.	New Plot No.	Area		
					Hectare	Are	Sq.mtr.
1	2	3	4	5	6	7	8
3	Songachhi Tea	4	126	131	0	01	89
			124	130	0	01	84
			122	128	0	24	44
			121	126	0	03	93
			120	119	0	02	37
			111	112	0	05	31
			110	111	0	10	26
			98	99	0	00	25
			97	98	0	01	29
			96	97	0	31	83
			95	96	0	19	99
			570	637	0	25	28
			240	292	0	05	82
				291			
			239	290	0	03	10
				289			
			235	287	0	29	80
				288			
			234	285	0	05	22
				286			
			233	300	0	00	80
			230	283	0	06	42
				284			
			231	231	0	02	79
			229	281	0	11	38
				282			
			226	276	0	00	43
			228	278	0	00	25
				279			
			227	277	0	13	21

[F. No. O-12016/2/2005-O.N.G./D.O.-IV]

O. P. BANWARI, Under Secy.

नई दिल्ली, 25 अगस्त, 2005

का.आ. 3025.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 791 तारीख 3 मार्च, 2005, जो भारत के राजपत्र तारीख फरवरी 27-मार्च 5, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में बूमालीगद (असम राज्य) से शिलिगुरी (पश्चिम बंगाल राज्य) तक पेट्रोलियम उत्पादों के परिवहन के लिए बूमालीगद शिलिगुरी पाइपलाइन प्रसारण परियोजना के माध्यम से आर्यल इंडिया लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 08-06-2005 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त, आर्यल इंडिया लिमिटेड में निहित होगा।

अनुसूची

पुलिस थाना : बीरपाडा -		जिला : जलपाईगुड़ी			राज्य : पश्चिम बंगाल		
क्रम सं.	गाँव का नाम	अधिकारिता सूचि संख्या	पुराना प्लॉट संख्या	नया प्लॉट संख्या	क्षेत्रफल		
1	2	3	4	5	हेक्टेयर	एयर	वर्ग मीटर
1	बीरपाडा चाय बगान	9	647	647	0	09	09
			646	646	0	37	64
			637	637	0	13	46
			636	636	0	01	28
			634	634	0	54	38
			633	633	0	11	44
			638	638	0	05	06
			641	641	0	04	98
			640	640	0	01	72
			639	639	0	64	29
			627	627	0	02	50
			735	735	0	14	11
			642	642	0	02	15
			717	717	0	62	51
			718	718	0	03	75
			733	733	0	23	90
			714	714	0	06	14
			702	702	0	19	25
			703	703	0	01	90
			704	704	0	01	31
			705	705	0	28	61
			701	701	0	03	76
			871	871	0	43	83
			872	872	0	00	53
			877	877	0	02	91
			873	873	0	59	80
			874	874	0	01	16
			875	875	0	10	23
			870	870	0	01	41

पुलिस थाना : बरपाडा			जिला : जलपाईगुड़ी		राज्य : पश्चिम बंगाल		
क्रम सं.	गाँव का नाम	अधिकारिता सूचि संख्या	पुराना प्लाट	नया प्लाट संख्या	क्षेत्रफल		
					हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	बरपाडा चाय बगान (जारी...)	9	852	852	0	51	29
			420	420	0	01	30
			418	418	0	21	80
			419	419	0	37	28
			417	417	0	01	30
			411	411	0	74	24
			383	383	0	02	38
			382	382	0	02	74
			356	356	0	33	49
			365	365	0	03	09
			354	354	0	08	46

[फा. सं. ओ-12016/2/2005-ओ.एन.जी/डी.ओ.-IV]

ओ. पी. बनवारी, अवर सचिव

New Delhi, the 25th August, 2005

S. O. 3025.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O 791, dated the 3rd March, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the February 27 – March 5, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products through Numaligrah Siliguri Pipeline Expansion Project from Numaligarh in the State of Assam to Siliguri in State of West Bengal by Oil India Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 08.06.2005.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Oil India Limited, free from all encumbrances.

SCHEDULE

Police Station : Birpara			District : Jalpaiguri			State : West Bengal		
Sr. No	Name of Village	Jurisdiction List No.	Old Plot No.	New Plot No.	Area			
1	2	3	4	5	Hectare	Are	Sq.mtr.	
6	7	8						
1	Birpara Tea Garden	9	647	647	0	09	09	
			646	646	0	37	64	
			637	637	0	13	46	
			636	636	0	01	28	
			634	634	0	54	38	
			633	633	0	11	44	
			638	638	0	05	06	
			641	641	0	04	98	
			640	640	0	01	72	
			639	639	0	64	29	
			627	627	0	02	50	
			735	735	0	14	11	
			642	642	0	02	15	
			717	717	0	62	51	
			718	718	0	03	75	
			733	733	0	23	90	
			714	714	0	06	14	
			702	702	0	19	25	
			703	703	0	01	90	
			704	704	0	01	31	
			705	705	0	28	61	
			701	701	0	03	76	
			871	871	0	43	83	
			872	872	0	00	53	
			877	877	0	02	91	
			873	873	0	59	80	
			874	874	0	01	16	
			875	875	0	10	23	
			870	870	0	01	41	
			852	852	0	51	29	
			420	420	0	01	30	
			418	418	0	21	80	
			419	419	0	37	28	
			417	417	0	01	30	
			411	411	0	74	24	
			383	383	0	02	38	
			382	382	0	02	74	
			356	356	0	33	49	
			365	365	0	03	09	
			354	354	0	08	46	

[F. No. O-12016/2/2005-O.N.G./D.O.-IV]

O. P. BANWARI, Under Secy.

नई दिल्ली, 26 अगस्त, 2005

का. आ. 3026.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 555, तारीख 14-02-2005 द्वारा प्राधिकृत श्री ए. विवेकानंदन के स्थान पर श्री के. एस. गोपी, वरिष्ठ प्रबंधक (आई एवं के), पेट्रोनेट सी. सी. के. लिमिटेड को, उक्त अधिनियम के

अधीन, तमिलनाडु के राज्यक्षेत्र के भीतर, पेट्रोनेट सी. सी. के. लिमिटेड, की कोचीन - कोयम्बतूर- करूर पाइपलाइन के सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिए प्राधिकृत करती है।

[फा. सं. आर-31015/12/2003-ओ.आर.-II.]
हरीश कुमार, अवर सचिव

New Delhi, the 26th August, 2005

s. O. 3026.—In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorizes Shri K.S.Gopi, Sr. Manager (I&K), Petronet CCK Limited to perform the functions of the competent authority, Cochin-Coimbatore-Karur Pipeline of Petronet CCK Limited, under the said Act, within the territory of the State of Tamil Nadu, in place of Shri A. Vivekanandan, authorized vide notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O. 555 dated 14-2-2005.

[No. R-31015/12/2003-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 26 अगस्त, 2005

का. आ. 3027.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए; और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए; अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है; कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री दीपक नन्दी, सक्षम प्राधिकारी, मुम्बई - मांगल्या पाइपलाइन विस्तार परियोजना, भारत पेट्रोलियम कार्पोरेशन लिमिटेड, बी-105, इन्द्र विहार, तलवण्डी, कोटा -324005 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील	केशवरायपाटन	जिला : बून्दी	राज्य : राजस्थान
क्र०	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1	पटोलिया	431	0.6850
		422	0.2900
		407	0.1800
		408	0.0080
		394	0.0940
		395	0.0360
		396	0.1800
		389	0.0650
		390	0.1100
		399	0.0220
		398	0.0440
		380	0.1450
		379	0.0360
		356	0.0220
		315	0.0940
		323	0.0510
		321	0.0650
		317	0.0080
		316	0.0580
		263	0.0360
		259	0.0150
		261	0.1520
		251	0.0870
		250	0.0940
		249	0.1800
		248	0.0220
		247	0.0440
		246	0.2520
		243	0.0720
		242	0.0940
		241	0.1230
		239	0.0720
		225	0.1450
		226	0.1160
		224	0.0720
		143	0.0150
		152	0.0580
		153	0.0720
		154	0.0720
		165	0.0220
		203	0.0040
		202	0.1950
		196	0.0580
		199	0.0940
		200	0.1100
		201	0.0360
		207	0.0220
		210	0.0360
		209	0.0080
208	0.0080		
2	ईश्वरनगर	760	0.1950
		759	0.1100
		758	0.1880
		736	0.0220
		734	0.0040
		733	0.0940
		732	0.1950
		731	0.1100
		722	0.0290
		719	0.0080
		718	0.0800
		717	0.1010

1	2	3	4
2	ईस्वरनगर (जारी.....)	716	0.0720
		715	0.0150
		707	0.0150
		699	0.1520
		698	0.2240
		697	0.1370
		696	0.0150
		702	0.0220
3	कस्बा केशवराय पाटन	601	0.0940
		602	0.0580
		603	0.0150
		607	0.1010
		606	0.2520
		605	0.1010
		563	0.0150
		556	0.1160
		557	0.1590
		556	0.0440
		555	0.0580
		554	0.1160
		563	0.0040
		551/2506	0.0360
		545	0.0080
		544	0.1160
		543	0.0720
		542	0.0720
		497	0.0220
		496	0.1660
		495	0.0150
		494	0.0510
		490	0.0290
		459	0.1300
		424	0.0080
		425	0.0220
		452	0.0150
		451	0.0650
		426	0.4110
		419	0.0510
		624	0.2740
		625	0.0080
		627/2562	0.2450
		626	0.0150
		633	0.0440
		417	0.0060
		416	0.1010
		645	0.2310
		646	0.0080
		648	0.2310
		653	0.0360
		664	0.0290
		665	0.0800
		666	0.0870
		667	0.0720
		668	0.2090
		नहर	0.0060
		704	0.0290
		703	0.2600
		717	0.0360
		724	0.2020
		725	0.3250
		745	0.0150
		771	0.1590
		770	0.2520
		769	0.1100
		768	0.1100
		767	0.1300

1	2	3	4
3	कस्बा केशवराय पाटन (जारी.....)	786	0.0360
		802	0.2090
		803	0.0290
		814	0.0080
		821	0.3530
		826	0.0360
		846	0.1660
		847	0.0800
		848	0.0150
		849	0.2240
		911	0.0150
		913	0.0870
		941/2520	0.0080
		941	0.3240
		940	0.0220
		942	0.2020
		943	0.1230
		944	0.0220
		967	0.0510
		1079	0.0510
		1078	0.1800
		1074	0.0360
		1008	0.0150
		1009	0.3030
		1005	0.0080
		1003	0.2160
		1002	0.0290
		1000	0.1590
		998	0.0080
		995	0.0080
		996	0.1940
		997	0.1010
		1011	0.0080
		1012	0.0510
		1050	0.0290
		1036	0.1660
		1037	0.2090
		1035	0.0360
		1033	0.0800
		1032	0.0510
		1031	0.1010
		1030	0.1660
		1029	0.0800
		1028	0.0440
		1027	0.0580
		1026	0.1090
		1025	0.0290
		570	0.0150
4	इथनापुर	1013	0.0080
		422	0.0020
		421	0.0930
		420	0.0900
		419	0.0990
		418	0.1010
		417	0.2230
		416	0.1050
		415	0.0990
		424	0.0650
		413	0.1380
		412	0.0710
		409	0.0220
		440	0.0890
		450	0.0280
		494	0.0360
		488	0.0070
		492/516	0.0220

1	2	3	4
4	हथनापुर (जारी.....)	487	0.0440
		483	0.5200
		482	0.0080
		484	0.0030
		479	0.0560
		480	0.0030
5	भीया	245	0.2030
		246	0.0220
		243	0.0240
		236	0.0080
		235	0.0940
		234	0.2240
		231	0.0080
		216	0.4030
		215	0.0440
		207	0.0220
		195	0.2710
		194	0.1570
		188	0.0070
		193	0.0080
		179	0.1590
		180	0.0940
		178	0.0020
		172	0.0310
		164	0.0680
		163	0.2140
		153	0.0070
		146	0.3070
		145	0.0580
		144	0.0020
		130	0.0230
		123	0.0060
		122	0.1900
		121	0.1780
		112	0.0050
		106	0.1950
		105	0.1880
		98	0.0220
		89	0.1670
		90	0.1490
		78	0.0110
		85	0.5270
		88	0.0330
		257	0.1110
		263	0.0690
		262	0.0820
		261	0.1050
		259	0.2160
		277	0.0510
6	रंगराजपुरा	130	0.0200
		127	0.2620
		126	0.0510
		13	0.0290
		12	0.0150
		11	0.2550
		4	0.1790
		5	0.0450
7	अरनेठा	2287	0.2890
		2287/2565	0.0100
		2288	0.1010
		2289/2564	0.0080
		2289	0.0120
		2345	0.0290
		2350	0.0090
		2346	0.0260
		2349	0.1160

1	2	3	4
7	अरुन्धती (जारी.....)	2348	0.0020
		2374	0.0310
		2373	0.1350
		2377	0.0080
		2376	0.2390
		2389	0.0250
		2390	0.1930
		2391	0.0460
		2441/2614	0.0140
		2441	0.0710
		2441/2607	0.0180
		2450	0.0270
		2451	0.0860
		2452	0.2660
		2453	0.1060
		2454	0.0450
		2455	0.1740
		2456	0.0680
		2457	0.0860
		2462	0.0270
		2476	0.0800
		2477	0.2670
		2479	0.0080
		2481	0.3070
		2482	0.0750
		2494	0.0250
		2497	0.0830
		2496	0.2250
		2103	0.0080
		2097	0.3530
		2094	0.0210
		2092	0.1150
		2081	0.0070
		2078	0.3040
		2061	0.0370
		2061/2616	0.0160
		2057	0.2770
		2041	0.3370
		2037	0.0285
		2036	0.0580
		2035	0.0440
		2034	0.0150
		2033	0.0720
		2032	0.1010
		2030	0.1230
8	श्रीपुरा	622	0.0360
		623	0.0020
		621	0.0030
		619	0.0940
		560	0.2160
		561	0.0250
		611	0.2160
		613	0.0020
		608	0.0720
		609	0.0320
		607	0.2610
		602	0.0280
		598	0.1230
		594	0.2070
		595	0.1330
		592	0.0240
9	सारसला	18	0.0570
		17	0.0020
		16	0.0330
		9	0.0660
		5	0.0810

1	2	3	4
9	सारसला (जारी.....)	6	0.1390
		4	0.0080
		3	0.1940
		42	0.0120
		43	0.0260
		44	0.1950
		45	0.0400
		47	0.0100
		48	0.0150
		59	0.1810
		60	0.2030
		61	0.0180
		62	0.0210
		65	0.0290
10	भावपुरा	11	0.1880
		25	0.0150
		33	0.0560
		209	0.0080
		217	0.4540
		218	0.0290
		216	0.0800
		227	0.0020
		228	0.0220
		215	0.0150
		229	0.1440
		230	0.1420
		232	0.1350
		233	0.0690
		234	0.0740
		235	0.0860
		236	0.0150
		237	0.0730
		238	0.2580
		239	0.0510
		242	0.0650
		246	0.0290
		245	0.0580
		244	0.0890
		243	0.0670
11	अड़ीला	1784	0.0580
		1785	0.3460
		1783	0.0420
		1777	0.0090
		1781	0.3020
		1761	0.0290
		1759	0.2810
		1758	0.1160
		1757	0.0720
		1807	0.0550
		1457	0.0290
		1451	0.0020
		1436	0.0220
		1435	0.2690
		1432	0.0900
		1431	0.2690
		1479	0.0330
		1483	0.3340
		1484	0.0290
		1492	0.0260
		1504	0.1750
		1508	0.0240
		1518	0.1660
		1519	0.1660
		1520	0.0020
		1515	0.2520
		1514	0.0780

1	2	3	4
11	अदीला (जारी.....)	1529	0.0290
		1558	0.0460
		1556	0.1990
		1552	0.0620
		1553	0.0760
		1551	0.2290
		1575	0.0220
		1550	0.0150
		नहर	0.0800
		1814	0.1210
		1817	0.0210
		1820	0.0080
		1819	0.0980
		1818	0.2520
		1828	0.0030
		1829	0.0650
		1830	0.1660
		1831	0.1520
		1809	0.0060
		1808	0.0890
		1719	0.0100
		1682	0.0020
		1683	0.0240
		1684	0.1420
		1703	0.0360
		1702	0.2190
		1704	0.0270
		1718	0.0020
		1717	0.0760
		1718	0.0710
		1715	0.0750
12	कापरे	1714	0.0220
		2795	0.0150
		2794	0.2110
		2790	0.0390
		2789	0.1610
		2803	0.0250
		2801	0.0560
		2802	0.0390
		2804	0.2260
		2805	0.0290
		2806	0.2860
		2807	0.0160
		2808	0.0130
		2820	0.0130
13	हीरापुर	2821	0.0120
		436	0.0130
		432	0.1960
		445	0.3390
		444	0.0020
		454	0.0330
		462	0.3210
		463	0.0040
		469	0.0290
		470	0.2560
		475	0.0290
		481	0.0020
		482	0.2320
		492	0.0690
		493	0.4140
		495	0.1010
		494	0.0020
		504	0.0290
		513	0.1690
		514	0.0730
		520	0.1430

1	2	3	4
13	हीरापुर (जारी.....)	525	0.0150
		526	0.0080
		388	0.0230
		383	0.0540
		382	0.2130
		381	0.0150
		378	0.2000
		379	0.0820
		377	0.0180
		376	0.0570
		375	0.1740
		374	0.3030
		433/2	0.0340
		439	0.0340
		437	0.0280
		440	0.0410
		454	0.1630
		453	0.2080
		452	0.1350
		445	0.0360
		441/1	0.2780
14	गरजनी	382	0.3630
		390	0.1120
		389	0.3630
		393	0.0340
		406	0.0390
		405	0.0450
		404	0.3120
		402	0.1570
		401	0.0450
		398	0.1570
		373	0.0340
		364	0.0280
		363	0.2680
		360	0.1570
		361	0.2950
		865	0.0360
		866	0.1730
		867	0.0360
		878	0.0580
		877	0.1660
		876	0.1800
		873	0.1590
		874	0.0040
		853	0.0440
		848	0.0150
		847	0.0510
		846	0.1230
		839	0.0360
		838	0.0040
		836	0.2310
		835	0.1230
		830	0.0720
		829	0.0220
		827	0.1800
		823	0.0040
		824	0.2180
		817	0.2600
		816	0.0360
15	बालापुर	1260	0.0450
		1259	0.0220
		1264	0.2030
		1258	0.0240
		1252	0.1890
		1253	0.0020
		1250	0.1010

1	2	3	4
15	बालापुर (जारी.....)	1208	0.3500
		1210	0.3640
		1206	0.0290
		974	0.1300
16	अरनिया	1003	0.0510
		984	0.1300
		995	0.2180
		987	0.2380
		986	0.0020
		977	0.0290
		970	0.0100
		969	0.2690
		955	0.0940
		956	0.1800
		957	0.0720
		951	0.0220
17	अरकाना	519/1	0.0060
		536	0.0280
		535	0.0230
		534	0.2520
		533	0.0020
		538	0.3810
		530	0.1180
		527	0.0170
		526	0.0410
		523	0.0340
		522	0.0730
		521	0.2800
		470	0.0290
		476	0.2020
		475	0.1680
		471	0.0030
		494	0.0290
		383	0.0280
		389	0.0530
		388	0.0790
		387	0.0280
		384	0.1240
		386	0.0350
		397	0.1800
		398	0.0620
		399	0.0280
		400	0.1910
		420	0.0450
		416	0.0790
		401	0.0030
		407	0.1570
		406	0.0840
		408	0.1120
18	कोहकथा	410	0.0060
		898	0.0250
		897	0.0110
		900	0.0040
		899	0.1140
		892	0.1340
		891	0.1480
		888	0.0020
		890	0.0460
		889	0.0320
		886	0.1910
		885	0.0360
		853	0.0390
		844	0.3890
		845	0.0180
		839	0.0050
		838	0.3130

	2	3	4
18	कोडव्या (जारी...)	830 826 823 822 821 812 805 806 802 801 800 793 789 786 785 784 779 775 773 772 771 765 755 756 753 78 372 373 376 537 384 383 382 381 380 398 401 402 403 404 405 1229 1230 1224 1220 1218 1214 1213 1212 1210 1211 1207 1206 1205 1111 1113	0.0320 0.2570 0.2230 0.0160 0.1280 0.0320 0.1960 0.0230 0.2960 0.0900 0.0290 0.0310 0.1760 0.0150 0.1770 0.1010 0.0310 0.1740 0.0980 0.1840 0.0190 0.0480 0.2290 0.1290 0.0140 0.0500 0.0150 0.0260 0.0840 0.0460 0.0450 0.1730 0.0290 0.0550 0.2910 0.0720 0.0720 0.0860 0.0740 0.0570 0.0250 0.3640 0.0730 0.2970 0.0280 0.4710 0.2520 0.0560 0.0360 0.0560 0.2520 0.0840 0.2350 0.0200 0.0280 0.0080
19	आजन्दा		

(फा0सं0आर0-31015/9/2004-ओ आर-II)

हरीश कुमार अवर सचिव

New Delhi, the 26th August, 2005

S. O. 3027.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Manglya (Indore) terminal in the State of Madhya Pradesh, an extension pipeline to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Deepak Nandi, Competent Authority, Mumbai-Manglya Pipeline Extension Project, Bharat Petroleum Corporation Limited, B-105, Indravihar, Talwandi, Kota-324005 (Rajasthan).

SCHEDULE

TEHSIL : KESHAVRAI PATAN		DISTRICT : BUNDI	STATE : RAJASTHAN
S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	PATOLIYA	431	0.6850
		422	0.2900
		407	0.1800
		408	0.0080
		394	0.0940
		395	0.0360
		396	0.1800
		389	0.0650
		390	0.1100
		399	0.0220
		398	0.0440
		380	0.1450
		379	0.0360
		356	0.0220
		315	0.0940
		323	0.0510
		321	0.0650
		317	0.0080
		316	0.0580
		263	0.0360
		259	0.0150
		261	0.1520
		251	0.0870
		250	0.0940
		249	0.1800
		248	0.0220
		247	0.0440
		246	0.2520
		243	0.0720
		242	0.0940
		241	0.1230
		239	0.0720
		225	0.1450
		226	0.1160
		224	0.0720
		143	0.0150
		152	0.0580
		153	0.0720
		154	0.0720
		165	0.0220
		203	0.0040
		202	0.1950
		196	0.0580

1	2	3	4
1	PATOLIYA (Contd.....)	199	0.0940
		200	0.1100
		201	0.0360
		207	0.0220
		210	0.0360
		209	0.0080
		208	0.0080
2	ISHWAR NAGAR	760	0.1950
		759	0.1100
		758	0.1880
		736	0.0220
		734	0.0040
		733	0.0940
		732	0.1950
		731	0.1100
		722	0.0290
		719	0.0080
		718	0.0800
		717	0.1010
		716	0.0720
		715	0.0150
		707	0.0150
		699	0.1520
		698	0.2240
		697	0.1370
		696	0.0150
		702	0.0220
3	KASBA KESHAVRAI PATAN	601	0.0940
		602	0.0580
		603	0.0150
		607	0.1010
		606	0.2520
		805	0.1010
		563	0.0150
		558	0.1160
		557	0.1590
		556	0.0440
		555	0.0580
		554	0.1160
		553	0.0040
		551/2506	0.0360
		545	0.0080
		544	0.1160
		543	0.0720
		542	0.0720
		497	0.0220
		496	0.1660
		495	0.0150
		494	0.0510
		460	0.0290
		459	0.1300
		424	0.0080
		425	0.0220
		452	0.0150
		451	0.0650
		426	0.4110
		419	0.0510
		624	0.2740
		625	0.0080
		627/2562	0.2450
		626	0.0150
		633	0.0440
		417	0.0080
		416	0.1010
		645	0.2310
		646	0.0080

1	2	3	4
3	KASBA KESHAVRAI PATAN (Contd.....)	648	0.2310
		653	0.0360
		664	0.0290
		665	0.0800
		666	0.0870
		667	0.0720
		668	0.2090
		DRAIN	0.0080
		704	0.0290
		703	0.2600
		717	0.0360
		724	0.2020
		725	0.3250
		745	0.0150
		771	0.1590
		770	0.2520
		769	0.1100
		766	0.1100
		767	0.1300
		786	0.0360
		802	0.2090
		803	0.0290
		814	0.0080
		821	0.3530
		826	0.0360
		846	0.1660
		847	0.0800
		848	0.0150
		849	0.2240
		911	0.0150
		913	0.0870
		941/2520	0.0080
		941	0.3240
		940	0.0220
		942	0.2020
		943	0.1230
		944	0.0220
		967	0.0510
		1079	0.0510
		1078	0.1800
		1074	0.0360
		1006	0.0150
		1009	0.3030
		1005	0.0080
		1003	0.2180
		1002	0.0290
		1000	0.1590
		998	0.0080
		995	0.0080
		996	0.1940
		997	0.1010
		1011	0.0080
		1012	0.0510
		1050	0.0290
		1036	0.1660
		1037	0.2090
		1035	0.0360
		1033	0.0800
		1032	0.0510
		1031	0.1010
		1030	0.1660
		1029	0.0800
		1028	0.0440
		1027	0.0580
		1026	0.1090
		1025	0.0290
		570	0.0150
		1013	0.0080

1	2	3	4
4	HATHNAPUR	422	0.0020
		420	0.0900
		419	0.0990
		418	0.1010
		417	0.2230
		416	0.1050
		415	0.0990
		424	0.0650
		413	0.1380
		412	0.0710
		409	0.0220
		440	0.0890
		450	0.0280
		494	0.0360
		488	0.0070
		492/516	0.0220
		487	0.0440
		483	0.5200
		482	0.0080
		484	0.0030
		479	0.0560
5	BHIYA	480	0.0030
		245	0.2030
		246	0.0220
		243	0.0240
		236	0.0080
		235	0.0940
		234	0.2240
		231	0.0080
		216	0.4030
		215	0.0440
		207	0.0220
		195	0.2710
		194	0.1570
		188	0.0070
		193	0.0080
		179	0.1590
		180	0.0940
		178	0.0020
		172	0.0310
		164	0.0680
		163	0.2140
		153	0.0070
		146	0.3070
		145	0.0580
		144	0.0020
		130	0.0230
		123	0.0060
		122	0.1900
		121	0.1780
		112	0.0050
		106	0.1950
		105	0.1880
		98	0.0220
		89	0.1670
		90	0.1490
		78	0.0110
		85	0.5270
		88	0.0330
		257	0.1110
		263	0.0690
		262	0.0820
		261	0.1050
		259	0.2160
		277	0.0510
6	RANGRAJPURA	130	0.0200
		127	0.2620

1	2	3	4
6	RANGRAJPURA (Contd.....)	126	0.0510
		13	0.0290
		12	0.0150
		11	0.2550
		4	0.1790
		5	0.0450
7	ARNETHA	2287	0.2890
		2287/2565	0.0100
		2288	0.1010
		2289/2564	0.0080
		2289	0.0120
		2345	0.0290
		2350	0.0090
		2346	0.0260
		2349	0.1160
		2348	0.0020
		2374	0.0310
		2373	0.1350
		2377	0.0080
		2376	0.2390
		2389	0.0250
		2390	0.1930
		2391	0.0460
		2441/2614	0.0140
		2441	0.0710
		2441/2607	0.0180
		2450	0.0270
		2451	0.0860
		2452	0.2660
		2453	0.1060
		2454	0.0450
		2455	0.1740
		2456	0.0680
		2457	0.0860
		2462	0.0270
		2476	0.0800
		2477	0.2670
		2479	0.0080
		2481	0.3070
		2482	0.0750
		2494	0.0250
		2497	0.0830
		2496	0.2250
		2103	0.0080
		2097	0.3530
		2094	0.0210
		2092	0.1150
		2081	0.0070
		2078	0.3040
		2061	0.0370
		2061/2616	0.0160
		2057	0.2770
		2041	0.3370
		2037	0.0285
		2036	0.0580
		2035	0.0440
		2034	0.0150
		2033	0.0720
		2032	0.1010
		2030	0.1230
8	SHRIPURA	622	0.0360
		623	0.0020
		621	0.0030
		619	0.0940
		560	0.2160
		561	0.0250
		611	0.2160

1	2	3	4
8	SHRIPURA (Contd.....)	613	0.0020
		608	0.0720
		609	0.0320
		607	0.2610
		602	0.0290
		598	0.1230
		594	0.2070
		595	0.1330
		592	0.0240
9	SARSALA	18	0.0570
		17	0.0020
		16	0.0330
		9	0.0660
		5	0.0810
		6	0.1390
		4	0.0080
		3	0.1940
		42	0.0120
		43	0.0260
		44	0.1950
		45	0.0400
		47	0.0100
		48	0.0150
		59	0.1810
		60	0.2030
		61	0.0160
		62	0.0210
		65	0.0290
10	BHAVPURA	11	0.1860
		25	0.0150
		33	0.0560
		209	0.0060
		217	0.4540
		218	0.0290
		216	0.0600
		227	0.0020
		228	0.0220
		215	0.0150
		229	0.1440
		230	0.1420
		232	0.1350
		233	0.0690
		234	0.0740
		235	0.0860
		236	0.0150
		237	0.0730
		238	0.2580
		239	0.0510
		242	0.0650
		246	0.0290
		245	0.0580
		244	0.0890
		243	0.0670
11	ADILA	1784	0.0560
		1785	0.3460
		1783	0.0420
		1777	0.0090
		1781	0.3020
		1761	0.0290
		1759	0.2610
		1758	0.1160
		1757	0.0720
		1807	0.0550
		1457	0.0290
		1451	0.0020
		1436	0.0220
		1435	0.2690

1	2	3	4.
11	ADILA (Contd.....)	1432	0.0900
		1431	0.2690
		1479	0.0330
		1483	0.3340
		1484	0.0290
		1492	0.0260
		1504	0.1750
		1508	0.0240
		1518	0.1660
		1519	0.1660
		1520	0.0020
		1515	0.2520
		1514	0.0780
		1529	0.0290
		1558	0.0460
		1556	0.1990
		1552	0.0620
		1553	0.0760
		1551	0.2290
		1575	0.0220
		1550	0.0150
		DRAIN	0.0800
		1814	0.1210
		1817	0.0210
		1820	0.0080
		1819	0.0980
		1818	0.2520
		1828	0.0030
		1829	0.0650
		1830	0.1660
		1831	0.1520
		1809	0.0060
		1808	0.0890
		1719	0.0100
		1682	0.0020
		1683	0.0240
		1684	0.1420
		1703	0.0380
		1702	0.2190
		1704	0.0270
		1718	0.0020
		1717	0.0760
		1716	0.0710
		1715	0.0750
12	KAPREN	1714	0.0220
		2795	0.0150
		2794	0.2110
		2790	0.0390
		2789	0.1610
		2603	0.0250
		2601	0.0560
		2602	0.0390
		2804	0.2260
		2605	0.0290
		2806	0.2860
		2807	0.0160
		2608	0.0130
		2820	0.0130
13	HIRAPUR	2821	0.0120
		436	0.0130
		432	0.1960
		445	0.3390
		444	0.0020
		454	0.0330
		462	0.3210
		463	0.0040
		469	0.0290

1	2	3	4
13	HIRAPUR (Contd.....)	470	0.2580
		475	0.0290
		481	0.0020
		482	0.2320
		492	0.0890
		493	0.4140
		495	0.1010
		494	0.0020
		504	0.0290
		513	0.1690
		514	0.0730
		520	0.1430
		525	0.0150
		526	0.0080
		388	0.0230
		383	0.0540
		382	0.2130
		381	0.0150
		378	0.2000
		379	0.0820
		377	0.0180
		376	0.0570
		375	0.1740
		374	0.3030
		433/2	0.0340
		438	0.0340
		437	0.0280
		440	0.0410
		454	0.1630
		453	0.2080
		452	0.1350
		445	0.0360
		441/1	0.2780
14	GARJANI	382	0.3630
		390	0.1120
		389	0.3630
		393	0.0340
		406	0.0390
		405	0.0450
		404	0.3120
		402	0.1570
		401	0.0450
		398	0.1570
		373	0.0340
		364	0.0280
		363	0.2680
		380	0.1570
		381	0.2950
		865	0.0360
		866	0.1730
		867	0.0360
		878	0.0580
		877	0.1860
		876	0.1800
		873	0.1580
		874	0.0040
		853	0.0440
		848	0.0150
		847	0.0510
		848	0.1230
		839	0.0360
		838	0.0040
		836	0.2310
		835	0.1230
		830	0.0720
		829	0.0220
		827	0.1800

1	2	3	4
14	GARJANI (Contd.....)	823	0.0040
		824	0.2180
		817	0.2600
15	BALAPURA	816	0.0360
		1260	0.0450
		1259	0.0220
		1264	0.2030
		1258	0.0240
		1252	0.1890
		1253	0.0020
		1250	0.1010
		1208	0.3500
		1210	0.3640
		1206	0.0290
16	ARNIYA	974	0.1300
		1003	0.0510
		994	0.1300
		995	0.2160
		987	0.2380
		986	0.0020
		977	0.0290
		970	0.0100
		969	0.2690
		955	0.0940
		956	0.1800
		957	0.0720
17	ARDANA	951	0.0220
		519/1	0.0060
		536	0.0280
		535	0.0230
		534	0.2520
		533	0.0020
		538	0.3810
		530	0.1180
		527	0.0170
		526	0.0410
		523	0.0340
		522	0.0730
		521	0.2800
		470	0.0290
		476	0.2020
		475	0.1680
		471	0.0030
		494	0.0290
		383	0.0290
		389	0.0530
		388	0.0790
		387	0.0280
		384	0.1240
		386	0.0350
		397	0.1800
		398	0.0620
		399	0.0280
		400	0.1910
		420	0.0450
		416	0.0790
		401	0.0030
		407	0.1570
		406	0.0840
		408	0.1120
18	KODKYA	410	0.0060
		898	0.0250
		897	0.0110
		900	0.0040
		899	0.1140
		892	0.1340
		891	0.1480
		888	0.0020

1	2	3	4
18	KODKYA (Contd.....)	890	0.0460
		889	0.0320
		886	0.1910
		885	0.0360
		853	0.0390
		844	0.3890
		845	0.0180
		839	0.0050
		838	0.3130
		830	0.0320
		826	0.2570
		823	0.2230
		822	0.0160
		821	0.1280
		812	0.0320
		805	0.1960
		806	0.0230
		802	0.2990
		801	0.0900
		800	0.0290
		793	0.0310
		789	0.1780
		786	0.0150
		785	0.1770
		784	0.1010
		779	0.0310
		775	0.1740
		773	0.0880
		772	0.1840
		771	0.0190
		765	0.0480
		755	0.2290
		756	0.1280
		753	0.0140
		78	0.0500
19	AJANDA	372	0.0150
		373	0.0260
		376	0.0840
		537	0.0480
		384	0.0450
		383	0.1730
		382	0.0290
		381	0.0550
		380	0.2910
		398	0.0720
		401	0.0720
		402	0.0880
		403	0.0740
		404	0.0570
		405	0.0250
		1229	0.3640
		1230	0.0730
		1224	0.2970
		1220	0.0280
		1216	0.4710
		1214	0.2520
		1213	0.0560
		1212	0.0360
		1210	0.0560
		1211	0.2520
		1207	0.0840
		1206	0.2350
		1205	0.0200
		1111	0.0280
		1113	0.0080

[F.N. R-31015/9/2004-OR-II]

HARISH KUMAR - Under Secretary

श्रम मंत्रालय

नई दिल्ली, 27 जुलाई, 2005

का.आ. 3028.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, ई. सी. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल (संदर्भ संख्या 10/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं. एल-22012/168/2000-आई आर (सी-II)]

एन. पी. केशवम, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 27th July, 2005

S.O. 3028.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 10/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the Industrial Dispute between the Management of ECL and their workman, received by the Central Government on 27-7-2005.

[No. L-22012/168/2000-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ASANSOL**

PRESENT:

Sri Md. Sarfaraz Khan, Presiding Officer

REFERENCE NO. 10 OF 2001

PARTIES : Agent, Kumardih (R) Colliery,
P.O. Kalipahari,
Distt. Burdwan

Vs.

President, Colliery Mazdoor Sabha, G.T. Road,
Asansol-4, Dist. Burdwan

REPRESENTATIVES:

For the Management : None

For the Workman (Union) : None

Industry : Coal

State : West Bengal

Dated, the 26-06-2005

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour vide its letter No. L-22012/168/2000-IR(C-II) dated 12-03-2001 has been pelased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Kumardih Colliery under Satgram Area of M/s. ECL in dismissing the service of Sh. Mega Das and Denying to reinstate the service with full back wages is valid, legal and justified? If not, to what relief Sri Mega Das is entitled?”

After having received the aforesaid order of reference from the Ministry of Labour, Government of India, summons through the registered post were issued to the respective parties for their appearance and filing their written statement. In pursuance to the said issued registered notice Sri P.K. Goswami Advocate for the management appeared alongwith a letter of authority but none appeared to represent the union.

From perusal of the order sheets of the record it transpires that the management has filed their written statement on its behalf but in pite of repeated issuance of the notices through the registered post and their due service against the union, nobody turned to represent and take any step on behalf of the union. It is further clear from the record that from very beginning i.e. 20-12-2001 to the last i.e. 23-06-2005. Several adjournment and notices were issued against the union but neither did any body appear nor take any step on behalf of the union which reflects the negligence and the interest of the union in this case. In such circumstances it is neither proper nor advisable to keep the record pending any more as no useful purpose is to be served. As such it is hereby

ORDER

That let a “No Dispute Award” be and the same is passed. Send copies of the award to the Ministry of Labour for information and needful. The reference is accordingly disposed off.

MD. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 27 जुलाई, 2005

का.आ. 3029.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, ई. सी. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल (संदर्भ संख्या 52/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं. एल-22012/433/97-आई आर (सी-II)]

एन. पी. केशवम, डेस्क अधिकारी

New Delhi, the 27th July, 2005

S.O. 3029.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 52/1998) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the Industrial Dispute between the management of E.C. Ltd, and their workman, received by the Central Government on 27-7-2005.

[No. L-22012/433/97-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ASANSOL**

PRESENT:

Sri Md. SARFARAZ KHAN, Presiding Officer

REFERENCE NO. 52 OF 1998

PARTIES : The Agent,
Parbelia Colliery, M/s. E.C. Ltd., :
P.O. Neturia, Distt. Purulia.

Vrs.

The General Secretary,
West Bengal Khan Mazdoor Sangh,
Neamatpur, Distt. Burdwan

REPRESENTATIVES:

For the Management : Sri. P.K. Das, Advocate

For the Workman (Union) : None.

Industry : Coal : State : West Bengal

Dated, the 21-6-2005

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour vide its letter No. L-22012/433/97-IR(CM-II) dated 10-11-1998 has been pelased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Bhamuria Unit of Parbelia Colliery in not assessing his age by sending Sh. Gour Bouri to Age Determination Committee since there is variation in the managements records is justified? If not, what relief is the workman concerned entitled to?"

After having received the aforesaid order of reference from the Govt. of India Ministry of Labour, notices through the registered post were issued to the respective parties for their appearance and filing written statement in support of their claim.

In pursuance to the issued registered notice Sri N. Ganguly, Advocate for the union and Sri P.K. Das, Advocate for the management appeared and filed time petition to submit their written statement.

The order sheets of the record go to show that several adjournments were granted to both the parties to file their written statement but none could file their written statement. It is further clear from the record that 15-5-2002 was the date fixed for filing written statement on behalf of both the side on their request but since 23-7-2002 the next fixed date nobody come to take any step on behalf of the union on 24-3-2003 the Lawyer of the both the sides appeared and prayed for time to file their written statement which was allowed by way of last chance fixing the next date 15-5-2003. But unfortunately the union left taking any step. Fresh notice was again issued against the union through the registered post but in spite of the receipt of the said notice the union did not turn up to contest the case. Several repeated adjournments were given to the union to appear and proceed with the case further.

The facts and circumstances of the case go to show that the union had lost its interest in the case and does not want to proceed with the case. In such a circumstance it is not proper, just and advisable to keep the record pending any more. As such it is hereby

ORDER

That let a "No Dispute Award" be and the same is passed. Send copies of the award to the Ministry of labour for information and needful.

MD. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 27 जुलाई, 2005

का.आ. 3030.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, ए. एस. आई. प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर (संदर्भ संख्या सी.जी.आई.टी. 37/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं. एल-42012/221/2002-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 27th July, 2005

S.O. 3030.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-37/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the Industrial Dispute between the management of Archaeological Survey of India and their workman, received by the Central Government on 27-7-2005.

[No. L-42012/221/2002-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
JAIPUR**

Case No. CGIT-37/2003

REFERENCE NO. L-42012/221/2002 (IR) (CM-II)

Sh. Samraj
S/o Sh. Soniram
R/o Village & R.O.—Noh (Vchamadi),
Tehsil & Distt. BharatpurApplicant
Versus

1. the Conservative Assistant,
Archaeological Survey of India,
Bharatpur Division, Kila Bharatpur,
Bharatpur

2. The Superintendent,
Archaeological Survey of India,
Jaipur Division,
70/133-140, Patel Marg,
Mansarovar, Jaipur-302 020Non-applicants

PRESENT:

Presiding Officer : Sh. R.C. Sharma
For the applicant : Sh. Kan Singh Rathore
For the non-applicants : Sh. T.P. Sharma
Date of award : 6-07-2005

AWARD

1. The Central Government in exercise of the powers conferred under clause 'D' of sub-section 1 and 2(A) to

Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act') has referred this industrial dispute for adjudication to this Tribunal which runs as under :—

"Whether the action of the management of Archaeological Survey of India in terminating the services of Shri Samraj S/o Shri Soniram w.e.f. 24-3-2001 is legal and justified? If not, to what relief the workman is entitled to?"

2. The workman in his claim statement has pleaded that he joined the non-applicant department on 2-3-85 as a beldar whose attendance was marked on the muster rolls and that he had continuously worked with the department upto 23-3-2001. But he was declined to join the duty on 24-3-2001. He has stated that he had completed 240 days in a calendar year, but his service was terminated in violation of Section 25-F of the Act. He has also stated that at the time of terminating his service the junior persons to him were retained by the department in violation of Section 25-G of the Act and rule 77 of the ID Rules, 1957 and after his termination, fresh appointments were made by the department in contravention of Section 25-H of the Act and Rule 78 of the ID Rules, 1957. He had unsuccessfully raised an industrial dispute and on submission of the failure report by the Conciliation Officer, the dispute has been referred to this Court. It has also been stated that the work performed by him is of perennial nature and that the non-applicant department falls under the definition of the industry. He has urged to set aside his termination order and to reinstate him in service with all consequential benefits.

3. The non-applicants, in their written counter, disputing the claim of the workman have averred that the workman was employed as a daily wager on 2-3-85 for performing the urgent work of repairing the wall of the Bharatpur Fort and have denied that he had completed over 240 days in a calendar year or that he had worked till 2001. They have further stated that the non-applicant department is not an industry.

4. In the rejoinder, the workman has reiterated the facts as stated in the statement of claim.

5. On the pleadings of both the parties, the following points for determination were framed :

- I. Whether the workman was appointed on 2-3-85 to the post of Baildar by an oral order of the non-applicant No. 2, who continuously worked up to 23-3-2001? BOA
- II. Whether the termination of the workman w.e.f. 24-3-2001 was made in violation of the provision under Section 25-F of the Act? BOA
- III. Whether at the time of the termination of the workman, his juniors were retained in violation of provision under Section 25-G of the Act? BOA
- IV. Whether after the termination of the workman, the new hands were recruited by the management in violation of Section 25-H of the Act? BOA

V. Whether the non-applicant establishment is an industry as defined under Section 2-J of the Act? BOA

VI. Relief, if any.

6. In the evidence, the workman has examined himself as WW-1 and in the rebuttal, counter-affidavit of MW-1, Mahendra Kumar, Administrative Officer, was submitted. Both these witnesses were cross-examined by the respective opposite representative. In the documentary evidence, the non-applicants have submitted the muster rolls pursuant to the order of this Court dated 3-8-2004 rendered on the submission of the workman to call for the documents from the possession of the non-applicant department from 2-3-85 to 23-3-2001.

7. I have heard both the parties and have scanned the record. The point-wise discussion follows as under :—

Points No. I & II

8. Since both these points relate to the termination of the workman in contravention of Section 25-F of the Act, they are being discussed together hereunder.

9. The Id. representative for the workman contends that the workman had worked with the non-applicant department from 2-3-85 to 23-3-2001 for about 16 years, but his service was terminated without complying with the provision under Section 25-F of the Act. His next submission is that the workman could not produce documentary evidence on this point but on his request the muster rolls were summoned from the department and the department has not submitted the complete record of the muster rolls. The Id. representative, however, does not dispute this fact that on the basis of the muster rolls available on the record, the issue of completion of 240 days in a calendar year during this period is not made out. However, the Id. representative relies upon the oral evidence of the workman adduced on this point.

10. Controverting this submission, the Id. representative for the department contends that the workman was employed only for repairing the broken walls of the fort, who had not continuously worked during the alleged period but his service was hired only for carrying out the urgent work and his further submission is that the muster rolls are genuine and relate to those days only on which he had worked with the department for which the payment was made to him.

11. I have bestowed my thoughtful consideration to the rival contentions and have carefully perused the judicial pronouncements cited before me.

12. Obviously, there is no dispute that with the assistance of the muster rolls placed on behalf of the department before the Court, this fact could not be substantiated that the workman had completed 240 days of actual work in any of the calendar years during the spell from 2-3-85 to 23-3-2001 prior to the date of his termination. Furthermore, I have also carefully scrutinized the muster rolls, which do not establish the factum of completion of 240 days of actual work in any of the calendar years prior to this termination.

13. During the oral evidence adduced on this point, WW-1, Banke Lal has deposed that he had continuously

worked in the period in question and that the nature of the work is perennial. But in his cross-examination, he has admitted that no appointment letter was issued to him and that he was carrying out the repairing work of the broken walls of the fort. He had been unable to point out as to how many days in total he had worked in the year 1985. On a careful examination of his deposition, it is revealed that he has nowhere stated as to in which year he had completed over 240 days of work with the department. Thus, the oral evidence adduced on behalf of the workman on this point is indefinite and feeble and his deposition could not be corroborated by any documentary evidence. As such, he has failed to prove that he had completed 240 days of actual work with the department in a calendar year preceding to his termination and is, therefore, not entitled for the protection under Section 25-F of the Act.

14. The Id. representative for the workman in support of his submission that the workman had completed 240 days of actual work in a calendar year with the department has referred to the decisions reported in 1995 (1) RLR 704 ; 1998 (1) RLR 209 & 11 LLJ 1999 MP 21, but they do not bear the resemblance with the facts of the instant controversy and are of no avail to the Id. representative for the workman. Both these points, therefore, are decided against the workman and in favour of the non-applicants.

Point No. III

15. The Id. representative for the workman contends that MW-1, Mahendra Kumar has admitted in his deposition that the junior persons to the workman were retained. This submission has been sought to be refuted on behalf of the non-applicants by contending that no junior person was retained by the department.

16. The workman has nowhere narrated in his claim statement the names of the junior persons who were retained at the time of terminating his service. However, in his affidavit at para 9, he has named Shankar Lal, Madan, Hari Kishan, Thou Dayal and Jag Ram by mentioning that after his termination these persons were working with the non-applicant department. It transpires that the workman had named these persons as his junior employees who were retained at the time of his termination.

17. MW-1 in his cross-examination has pleaded ignorance to this fact whether these persons are still working with the non-applicant department.

18. Now, the question posed before me whether the junior persons were retained by the department while terminating the service of the workman?

19. Firstly, there is no documentary evidence on the record to ascertain whether these persons were employed subsequent to the workman. Secondly, the workman has not even disclosed in his affidavit the dates of their engagements. Simply naming them by stating that they were the junior persons to him cannot be considered to be the sufficient credible evidence to prove the fact that the junior persons were retained by the department while terminating his service. Adding to it, the management witness has not admitted this fact in his cross-examination that they are working with the department. No question could be put to him on behalf of the workman specifying

that these were the junior persons to the workman who were retained by the department at the time of his termination. As such, no credence can be attached to the testimony of the workman on this issue and he has failed to discharge the burden of this point.

20. The Id. representative for the workman has relied upon 2001 Lab IC Punjab & Haryana 2563, but the facts thereof are not applicable to the present controversy and the Id. representative does not derive any assistance from this ruling. This point, therefore, is decided against the workman and in favour of the non-applicants.

Point No. IV

21. The Id. representative for the workman contends that after the termination of the workman, fresh appointments were made by the department, which has been controverted on behalf of the non-applicants by contending that no fresh appointments were made.

22. Neither in the claim statement nor in his affidavit, the workman has even named such persons who were recruited subsequent to his termination. Thus, he could not be able to lead the evidence on this point. As such, there is no evidence on this point and in the absence thereof, it is decided against the workman and in favour of the non-applicants.

23. The Id. representative for the workman has place his reliance upon 1997 (2) LLN SC 31 the facts thereof are distinct from the case on hand and is of no avail to the Id. representative.

Point No. V

24. The Id. representative for the workman contends that the non-applicant department is an industry and it has a museum situated within its premise on lease basis which is being visited by the tourists and the department has an earning from the sale of the prescribed tickets for visiting the museum. Thus, his submission is that the department is earning the profit from the visits of the tourists.

25. Refuting this submission, the Id representative for the non-applicants contends that the museum belongs to the State Government and is not under the control of the department.

26. The workman in his affidavit has not disclosed this fact that the department is earning the profit from the museum. In the cross-examination, MW-1, Mahendra Kumar has admitted that a museum is situated within the fort premise, but it is looked after by the State Government. His further statement is that people visit the museum, but no ticket is prescribed for their visits. Thus it flows from the deposition of the management witness that the museum is a State Government establishment, which is looked after by it and is not placed under the control of the non-applicant department. Apart it, there is no evidence on the record to suggest the profit move of the non-applicant department and it is not revealed that the non-applicant department is carrying on the function of production or distribution of goods or rendering the services calculated to satisfy the human wants. Therefore, it cannot be termed as an industry as defined under Section 2-J of the Act.

27. The Id. representative for the workman in support of his submission that the non-applicant department is an industry has drawn my attention towards 2002 (95) FLR Allahabad 176 and JT. 2005 (5) SC 170.

28. In 2002 (95) FLR Allahabad 176, the Hon'ble Court has held that Zoological Park is an industry, whereas in JT 2005 (5) SC 170, the question which arose before their Lordships for consideration was whether the social forestry department of State is an industry and their Lordships have referred the matter before the Hon'ble Chief Justice of India for constituting a suitable larger bench for consideration of the matter. Thus, the facts of both the decisions supra have no application to the present controversy and the Id. representative finds no help from them. As such, this point, too, is decided against the workman and in favour of the non-applicants.

Relief

29. For the foregoing reasons, the workman has failed to establish his claim and, therefore, is entitled to no relief.

30. In the result, the reference is answered in the negative against the workman and in favour of the non-applicants and it is held that the termination order of the workman Sh. Samraj dated 24-3-2001 is legal and justified and the claim of the workman is dismissed.

An award is passed in these terms accordingly.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 27 जुलाई, 2005

का.आ. 3031.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, ए. एस. आई. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर (संदर्भ संख्या सी.जी.आई.टी. 27/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं. एल-42012/222/2002-आई आर (सीएम-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 27th July, 2005

S.O. 3031.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-27/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the Industrial Dispute between the Management of Archaeological Survey of India and their workman, received by the Central Government on 27-7-2005.

[No. L-42012/222/2002-IR (CM-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-27/2003

Reference No. L-42012/222/2002 IR-(CM-II)

Sh. Bankelal,
S/o Sh. Prabhati,
R/o Village Kalyanpur
Tehsil & Distt. -Bharatpur.

....Applicant

Versus

1. The Conservative Assistant,
Archaeological Survey of India,
Bharatpur Division, Kila Bharatpur,
Bharatpur.

2. The Superintendent,
Archaeological Survey of India,
Jaipur Division,
70/133-140, Patel Marg,
Mansarovar, Jaipur-302020

....Non-applicants

Present :

Presiding Officer : Sh. R.C. Sharma,
For the applicant : Sh. Kan Singh Rathor
For the non-applicants : Sh. T.P. Sharma
Date of Award : 30-06-2005

AWARD

1. The Central Government in exercise of the powers conferred under clause 'D' of sub-sections 1 and 2(A) to Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act') has referred this industrial dispute for adjudication to this Tribunal which runs as under :—

"Whether the action of the Management of Archaeological Survey of India in terminating the services of the workman Shri Bankelal S/o Shri Prabhati w.e.f. 1-4-99 is legal and justified? If not, to what relief the workman is entitled to?"

2. The workman in his claim statement has pleaded that he joined the non-applicant department on 17-7-77 as a beldar whose attendance was marked on the muster rolls and that he had continuously worked with the department up to 31-3-99. But he was declined to join the duty on 1-4-99. He has stated that he had completed 240 days in a calendar year, but his service was terminated in violation of Section 25-F of the Act. He has also stated that at the time of terminating his service the junior persons to him were retained by the department in violation of Section 25-G of the Act and rule 77 of the ID Rules, 1957 and after his termination, fresh appointments were made by the department in contravention of Section 25-H of the Act and Rule 78 of the ID Rules, 1957. He had unsuccessfully raised an industrial dispute and on submission of the failure report by the Conciliation Officer, the dispute has been referred to this Court. It has also been stated that the work performed by him is of perennial nature and that the non-applicant department falls under the definition of the industry. He has urged to set aside his termination order and to reinstate him in service with all consequential benefits.

3. The non-applicants, in their written counter, disputing the claim of the workman have averred that the workman was employed as a daily wager on 17-7-77 for performing the urgent work of repairing the wall of the Bharatpur Fort and have denied that he had completed over 240 days in a calendar year or that he had worked till 1999. They have further stated that the non-applicant department is not an industry.

4. In the rejoinder, the workman has reiterated the facts as stated in the statement of claim.

5. On the pleadings of both the parties, the following points for determination were framed :—

- I. Whether the workman was appointed on 17-7-77 to the post of Beldar by an oral order of the non-applicant No. 2, who continuously worked up to 31-3-99? **BOA**
- II. Whether the termination of the workman w.e.f. 1-4-99 was made in violation of the provision under Section 25-F of the Act? **BOA**
- III. Whether at the time of the termination of the workman, his juniors were retained in violation of provision under Section 25-G of the Act? **BOA**
- IV. Whether after the termination of the workman, the new hands were recruited by the management in violation of Section 25-H of the Act? **BOA**
- V. Whether the non-applicant establishment is an industry as defined under Section 2-J of the Act? **BOA**
- VI. Relief, if any.

6. In the evidence, the workman has examined himself as WW-1 and in the rebuttal, counter-affidavit of MW-1, Mahendra Kumar, Administrative Officer, was submitted. Both these witnesses were cross-examined by the respective opposite representative. In the documentary evidence, the non-applicants have submitted the muster rolls pursuant to the order of this Court dated 3-8-2004 rendered on the submission of the workman to call for the documents from the possession of the non-applicant department from 17-7-77 to 31-3-99.

7. I have heard both the parties and have scanned the record. The point-wise discussion follows as under :—
Point Nos. I & II

8. Since both these points relate to the termination of the workman in contravention of Section 25-F of the Act, they are being discussed together hereunder.

9. The Id. representative for the workman contends that the workman had worked with the non-applicant department from 17-7-77 to 31-3-99 for about 21 years, but his service was terminated without complying with the provision under Section 25-F of the Act. His next submission is that the workman could not produce documentary evidence on this point but on his request the muster rolls were summoned from the department and the department has not submitted the complete record of the

muster rolls. The Id. representative, however, does not dispute this fact that on the basis of the muster rolls available on the record, the issue of completion of 240 days in a calendar year during this period is not made out. However, the Id. representative relies upon the oral evidence of the workman adduced on this point.

10. Controverting this submission, the Id. representative for the department contends that the workman was employed only for repairing the broken walls of the fort, who had not continuously worked during the alleged period but his service was hired only for carrying out the urgent work and his further submission is that the muster rolls are genuine and relate to those days only on which he had worked with the department for which the payment was made to him.

11. I have bestowed my thoughtful consideration to the rival contentions and have carefully perused the judicial pronouncements cited before me.

12. Obviously, there is no dispute that with the assistance of the muster rolls placed on behalf of the department before the Court, this fact could not be substantiated that the workman had completed 240 days of actual work in any of the calendar years during the spell from 17-7-77 to 31-3-99 prior to the date of his termination. Furthermore, I have also carefully scrutinized the muster rolls, which do not establish the factum of completion of 240 days of actual work in any of the calendar years prior to this termination.

13. During to the oral evidence adduced on this point, WW-1, Banke Lal has deposed that he had continuously worked in the period in question and that the nature of the work is perennial. But in his cross-examination, he has admitted that no appointment letter was issued to him and that he was carrying out the repairing work of the broken walls of the fort. His further statement is that on completion of the repairing of one wall, they used to shift to repair the another broken wall. He had been unable to point out as to how many days in total he had worked in the year 1978. On a careful examination of his deposition, it is revealed that he has nowhere stated as to in which year he had completed over 240 days of work with the department. Thus, the oral evidence adduced on behalf of the workman on this point is indefinite and feeble and his deposition could not be corroborated by any documentary evidence. As such, he has failed to prove that he had completed 240 days of actual work with the department in a calendar year preceding to his termination and is, therefore, not entitled for the protection under Section 2-F of the Act.

14. The Id. representative for the workman in support of his submission that the workman had completed 240 days of actual work in a calendar year with the department has referred to the decisions reported in 1995 (1) RLR 704 ; 1998 (1) RLR 209 & II LLJ 1999 MP 21, but they do not bear the resemblance with the facts of the instant controversy and are of no avail to the Id. representative for the workman. Both these points, therefore, are decided against the workman and in favour of the non-applicants.

Point No. III

15. The Id. representative for the workman contends that MW-1, Mahendra Kumar has admitted in his deposition that the junior persons to the workman were retained. This

submission has been sought to be refuted on behalf of the non-applicants by contending that no junior person was retained by the department.

16. The workman has nowhere narrated in his claim statement the names of the junior persons who were retained at the time of terminating his service. However, in his affidavit at para 9, he has named Shankar Lal, Madan, Hari Kishan, Thou Dayal and Jag Ram by mentioning that after his termination these persons were working with the non-applicant department. It transpires that the workman had named these persons as his junior employees who were retained at the time of his termination.

17. MW-1 in his cross-examination has pleaded ignorance to this fact whether these persons are still working with the non-applicant department.

18. Now, the question posed before me whether the junior persons were retained by the department while terminating the service of the workman?

19. Firstly, there is no documentary evidence on the record to ascertain whether these persons were employed subsequent to the workman. Secondly, the workman has not even disclosed in his affidavit the dates of their engagements. Simply naming them by stating that they were the junior persons to him cannot be considered to be the sufficient credible evidence to prove the fact that the junior persons were retained by the department while terminating his service. Adding to it, the management witness has not admitted this fact in his cross-examination that they are working with the department. No question could be put to him on behalf of the workman specifying that these were the junior persons to the workman who were retained by the department at the time of his termination. As such, no credence can be attached to the testimony of the workman on this issue and he has failed to discharge the burden of this point.

20. The Id. representative for the workman has relied upon 2001 Lab IC Punjab & Haryana 2563, but the facts thereof are not applicable to the present controversy and the Id. representative does not derive any assistance from this ruling. This point, therefore, is decided against the workman and in favour of the non-applicants.

Point No. IV

21. The Id. representative for the workman contends that after the termination of the workman, fresh appointments were made by the department, which has been controverted on behalf of the non-applicants by contending that no fresh appointments were made.

22. Neither in the claim statement nor in his affidavit, the workman has even named such persons who were recruited subsequent to his termination. Thus, he could not be able to lead the evidence on this point. As such, there is no evidence on this point and in the absence thereof, it is decided against the workman and in favour of the non-applicants.

23. The Id. representative for the workman has placed his reliance upon 1997 (2) LLN SC 31 the facts thereof are distinct from the case on hand and is of no avail to the Id. representative.

Point No. V

24. The Id. representative for the workman contends that the non-applicant department is an industry and it

has a museum situated within its premise on lease basis which is being visited by the tourists and the department has an earning from the sale of the prescribed tickets for visiting the museum. Thus, his submission is that the department is earning the profit from the visits of the tourists.

25. Refuting this submission, the Id. representative for the non-applicants contends that the museum belongs to the State Government and is not under the control of the department.

26. The workman in his affidavit has not disclosed this fact that the department is earning the profit from the museum. In the cross-examination, MW-1, Mahendra Kumar has admitted that a museum is situated within the fort premise, but it is looked after by the State Government. His further statement is that people visit the museum, but no ticket is prescribed for their visits. Thus it flows from the deposition of the management witness that the museum is a State Government establishment, which is looked after by it and is not placed under the control of the non-applicant department. Apart it, there is no evidence on the record to suggest the profit move of the non-applicant department and it is not revealed that the non-applicant department is carrying on the function of production or distribution of goods or rendering the services calculated to satisfy the human wants. Therefore, it cannot be termed as an industry as defined under Section 2-J of the Act.

27. The Id. representative for the workman in support of his submission that the non-applicant department is an industry has drawn my attention towards 2002 (95) FLR Allahabad 176 and Jt. 2005 (5) SC 170.

28. In 2002 (95) FLR Allahabad 176, the Hon'ble Court has held that Zoological Park is an industry, whereas in JT 2005 (5) SC 170, the question which arose before their Lordships for consideration was whether the social forestry department of State is an industry and their Lordships have referred the matter before the Hon'ble Chief Justice of India for constituting a suitable larger bench for consideration of the matter. Thus, the facts of both the decisions supra have no application to the present controversy and the Id. representative finds no help from them. As such, this point, too, is decided against the workman and in favour of the non-applicants.

RELIEF

29. For the foregoing reasons, the workman has failed to establish his claim and, therefore, is entitled to no relief.

30. In the result, the reference is answered in the negative against the workman and in favour of the non-applicants and it is held that the termination order of the workman Sh. Bankelal dated 1-4-99 is legal and justified and the claim of the workman is dismissed.

An award is passed in these terms accordingly.

31. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 27 जुलाई, 2005

का.आ. 3032.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद (संदर्भ संख्या 21/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं. एल-22012/49/2003-आई आर (सीएम-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 27th July, 2005

S.O. 3032.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 21/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the Management of Singareni Collieries Company Limited, and their workmen, received by the Central Government on 27-7-2005.

[No. L-22012/49/2003-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT HYDERABAD

PRESENT : SHRI E. ISMAIL, B. Sc., L.L.B. Presiding
Officer

Dated the 4th April, 2005

Industrial Dispute No. 21/2004

Between :

The General Secretary,
Singareni Collieries Mines Workers Union
Qrt. No D/703, Opp. Rythu Bazar
Godavarikhani-505209

.....Petitioner

AND

The Chief General Manager,
Singareni Collieries Co. Ltd.,
Ramagundam-1 Division,
Godavarikhani-505 209.

.....Respondent

APPEARANCES :

For the Petitioner : K Vasudeva Reddy, Advocate

For the Respondent : K. Srinivasa Murthy, Advocate

AWARD

The Government of India, Ministry of Labour by its Order No. L-22012/49/2003-IR (CM-II) dated 30-12-2003 referred the following dispute under section 10(1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between the employers in relation to the Management of Singareni Collieries Co. Ltd. and their workman.

SCHEDULE

"Whether the action of the Chief General Manager, M/s. Singareni Collieries Co. Ltd., Ramagundam-1 Division, Godavarikhani in terminating the services of Sri Upaleti Shankar, GDK-6B Incline w.e.f. 6-5-2002 is legal and justified? If not, to what relief the said workman is entitled?"

2. This reference was registered as Industrial Dispute No. 21/2004 and notices are issued to the parties.

3. The Petitioner filed a Claim Statement that Shri Upaleti Shankar was appointed on 17-7-89 under dependant employment due to his father medical unfitness and he was confirmed as coal filler. He was a member of Singareni Collieries Mines Workers Union. While Shri Upaleti Shankar working at GDK 6B in line a charge sheet dated 31-10-2001 was issued under standing order No. 25.25 alleged that he has worked for only 81 days during 2000 for 'Habitual absence from duty without sufficient cause'. But the said charge sheet was not issued to the workmen and in his absence, a formal ex-party enquiry was conducted, and without issuing any show cause notice, office memo dated 16-5-2002 was issued by the Colliery Manager, GDK-6B Incline, SCC Ltd. Godavarikhani, Karimnagar dismissing the workman from service w.e.f. 6-5-2002. Aggrieved by the above, a conciliation was raised before Asstt. Commissioner of Labour (Central), Mancherla which ended in failure, which resulted in the present reference to this Hon'ble court.

4. It is further stated that his father-in-law was suffering from cancer that is why he was absent. During August 2000 the workman was also sick and in support of which he furnished all prescriptions from company area hospital. Further during the year 2001 he was sick and taken treatment at Area Hospital, Ramagundam from 4-10-2001 to 16-10-2001 for which prescriptions and fitness certificates were also submitted by the workman. Yet, he was dismissed from service w.e.f. 6-5-2002. Hence, he may be reinstated with all consequential benefits, continuity of service, back wages etc.

5. A counter was filed that stating that during calendar year 2000 the workman was remained absent for 233 days and worked for 81 days. His attendances is very bad. For example in the year 1997 he worked for 162 days, in 1998 he worked for 113 days, in 1999 he worked for 109 days, in 2000 he worked for 81 days for which he was charge-sheeted, in 2001 he worked for 28 days and in January 2002 he worked for 1 day. So even after charge-sheeted, he did not improve his attendance and put in 28 musters in 2001 and in January 2002 only 1 muster. Hence, it is not a fit case to show any sympathy to the workman.

6. A memo was filed conceding that domestic enquiry was validly conducted. It is argued by the Learned Counsel for the Petitioner that after all the Petitioner was appointed on compassionate grounds as far back as 1989 and due to his ill health and his father-in-law having cancer he could not attend to duty properly and a chance may be given to him.

7. It is argued by the Learned Counsel for the Respondent that the Petitioner was unconditionally admitted the charges and pleaded guilty therefore, no sympathy need to be shown and more so due to his attendance in 2001 and 2002 he does not deserve any sympathy.

8. It may be noted that the Petitioner has joined the service on compassionate appointment on 17-7-1989 and till 2000 he was working and from 2000 onwards he has

been irregular and he has been dismissed on 6-5-2002. I am of the opinion that the punishment he already undergone is sufficient and he can be given another chance with certain conditions. He shall be reinstated within 30 days from the publication of this award or he shall be paid wages per month as per his last pay drawn. He will be reinstated on the following terms and conditions:

1. His services from 6-5-2002 till he is reinstated shall not be counted for any purpose including retirement purposes.
2. He will be reappointed as coal filler on the last pay that he has drawn.
3. He shall put in minimum musters for 3 consecutive years only then his services shall be confirmed.

Award passed accordingly. Transmit.

Dictated to Shri J. Vijaya Sarathi, LDC transcribed by him corrected and pronounced by me on this the 4th day of April, 2005.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined
for the Petitioner :

NIL

Witnesses examined for the
Respondent :

NIL

Documents marked for the Petitioner

NIL

नई दिल्ली, 27 जुलाई, 2005

का.आ. 3033.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस.सी.सी. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद (संदर्भ संख्या 280/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं. एल-22012/21/2002-आई आर (सी-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 27th July, 2005

S.O.—3033.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 280/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the Management of M/s. Singareni Collieries Company Limited, and their workmen, received by the Central Government on 27-7-2005.

[No. L-22012/21/2002-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT : SHRI E. ISMAIL, B. Sc., L.L.B.,
Presiding Officer

Dated the 15th April, 2005

INDUSTRIAL DISPUTE I.D. No. 280/2002

Between

Sri G. Babu Rao

Secretary,

Godavari Loya Boggu Gani Karimika Sangam (IFTU),
D. No. D-576, Gandhinagar,
Godavarikhani-505 209

.....Petitioner

AND

The General Manager,

M/s. Singareni Collieries Co. Ltd.,

Ramagundam-II,

Godavarikhani-505 211.

.....Respondent

Appearances:

For the Petitioner : Sri G. Vidya Sagar. K. Udaya Sree,
P. Sudheer Rao and B. Shivakumar,
Advocates

For the Respondent : Sri M/s. K. Srinivasa Murthy. V.
Umadevi and C. Vijaya Shekar
Reddy, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/21/2002-IR (CM-II) dated 12-8-2002 referred the following dispute under Section 10(1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between the employers in relation to the Management of M/s. Singareni Collieries Co. Ltd. and their workmen.

SCHEDULE

"Whether the action of the General Manager, M/s Singareni Collieries Co. Ltd., Ramagundam-Divn.-II Godavarikhani in appointing the Temporary Tunnel Mazdoors (TTMs) as Coal Fillers is justified? If not, to what relief are the workmen entitled and from what date?"

This reference was registered as Industrial Dispute No. 280/2002 and notices were issued to the parties.

1. The brief facts averred in the claim statement are that the petitioner union raised conciliation proceedings for promoting 38 workmen in the post of General Mazdoors w.e.f. 1995 together with service benefits and increments. But conciliation proceedings ended in failure hence the present reference.

2. These 38 workmen were appointed on various dates during 1994 as Badli Fillers at GDK-09 Incline. It is submitted that the workmen were drafted as TTMs w.e.f. 2-4-1995 by order 1-4-95. They were entitled for pay scale of 38.47-070-48.27. It is submitted that similarly situated persons were initially appointed as Tunnel Mazdoors and thereafter given the regular posting of the General Mazdoors in the Category-1 wages while allowing them to work in Tunneling projects of GDK-9 Incline. However, similar treatment was not extended to the petitioner workmen.

3. The petitioner workmen also drafted as TTMs in Category-I for a period of two months only. They were continued as Tunnel Mazdoors for more than 5 years but they were not granted increment benefits on completion of one year service.

4. Instead of regularizing the services of the petitioner they were issued with proceedings dated 5-7-2000 appointing them as coal fillers notionally w.e.f. 1-3-2000

and posted to work at GDK-9 Incline. Thereby, they have been deprived of upgradation to the post of General Mazdoor as well as reduction in pay. The said action is wholly illegal, arbitrary and unjust. The petitioner workmen having worked as General Mazdoor cannot be deprived of service weightage consequent to their conversion as coal fillers which they have not opted and in absence of specific request for conversion, they cannot be deprived of service weightage.

5. General Mazdoor category-I is a monthly rated post whereas coal filler is daily rated post. Since the petitioners are working as Tunnel Mazdoor category I, they are also entitled to absorption in monthly rated category only. Consequent on conversion from Mazdoor category-I to Coal filler take home pay also been reduced. If the petitioners pay were regularized in the Coal filler cadre in 1995 they would have got increments drawn during the period of 5 years while working as Tunnel mazdoors. The workmen who have been upgraded as Coal fillers in 1995 have been granted SPRA wages alone with service weightage whereas the petitioners are deprived on the premise that they are working in monthly rated categories.

6. While placing the petitioner workmen in category of coal fillers, they were placed at initial stage of pay ignoring service benefit of 5 years thereby they lost monetary benefits also for no fault on their part. In respect of Badli fillers upgraded as coal fillers, the length of service put in by them as Badli fillers will be taken into consideration but same is not being extended to the petitioners which is arbitrary and discriminatory. Hence, it is prayed that an award may be passed that the action of the management in appointing the petitioners working as TTMs as Coal fillers is not justified and consequently direct the Respondent to regularize the petitioners as General Mazdoor w.e.f. 1-4-95 together with seniority and service benefits.

7. A counter was filed stating that in pursuance of settlement dated 21-2-2000 the petitioner were appointed as Coal fillers notionally w.e.f. 1-3-2000. It may be pointed out that the petitioners were appointed as Badli fillers and subsequently drafted as TTMs and later on appointed as Coal fillers. The petitioners are claiming both promotional and incremental benefits. The petitioners initially appointed as Badli fillers and later on drafted as TTMs. Depending on exigency of work they were drafted as Coal Fillers. They were appointed as such in pursuance of settlement dated 21-2-2000. As such there will be some difference in basic fixation of pay. They cannot compare with Tunnel Mazdoors who subsequently promoted as GMs whereas these petitioners have been initially appointed as Badli Fillers then TTMs then Coal Fillers. The averment that through they worked for 5 and ½ years as TTMs and they have not been granted incremental benefits on completion of one year service is denied. It is reiterated that the petitioners were drafted as Coal Fillers from TTMs and they will be placed in the piece rated category, which in any case higher than that of GMs as such the contention of the petitioners is denied. In fact a Coal Filler draws more than that of GM category-I provided he fill normal number of tubs. The contention of petitioners that while placing the petitioners in category of Coal Fillers, they were placed at

initial stage of pay ignoring service weightage of 5 years is denied. The petitioner workmen were given increments as per their entitlement when they worked as TTMs and subsequently they have been appointed as Coal Fillers and their basic was fixed a taking into consideration, the increments drawn by them in time rated job. Hence, the reference may be ordered in favour of the Respondents.

8. Sri G. Babu Rao, Secretary of the petitioner Union deposed as WW1 and stated to the facts mentioned in the claim statement. He further reiterated that GM category-I is monthly rated posts they also entitled for monthly rated category only. They have not been upgraded to GM which is arbitrary.

9. In the cross-examination he deposed that he is General Secretary of the petitioner Union. It is true that AITUC is recognized Union. It is not true to suggest that settlements entered by recognized Union are applicable to all Unions. It is true that AITUC gave a strike notice on 29-12-1999 raised over a charter of 44 demands. He does not know whether AITUC has entered into a Memorandum of settlement with management under Section 12(3) of ID Act on 21-2-2000 and present dispute was also settled in the said settlement.

10. Sri Komuriah, Coal Filler was examined as WW2. He deposed that he joined the company in December, 1994 at GDK as Badli Filler thereafter he promoted as TTM. Approximately his wage was Rs. 3500 p.m. after completion of 5 and ½ years he was promoted as Coal Filler. All the petitioners involved in this ID are entitled for promotion as GM w.e.f. 1995 who were completed more than one year of service as TTM are entitled for promotion as GM. They have not granted any increments and other attendant benefits. Similarly situated candidates who worked as TTM for a period of one year they are getting promotion as GM hence they are entitled to be promoted GMs.

11. In the cross-examination, deposed that it is true that the settlement entered by the recognized Union is applicable to all the employees of M/s. SCCL. They raised charter of 44 demands. He has not filed any documents to show that those who have completed more than one year service are entitled for GM post. He has not filed any documents to show that similarly situated employees promoted as GM. Their Union is recognized Union and WW1 is General Secretary.

12. The Deputy General Manager, Sri JS Babu deposed as MW1. He deposed to the facts stated in the counter and further stated that there are surplus GMs and 131 allowed to avail VRS. That the settlement dated 21-2-2000 is Ex.M1, appointment of petitioners as Coal Fillers is Ex. M2 and office order dated 30-3-1995 drafting the petitioners as TTMs is Ex. M3.

13. In the cross-examination, he deposed that the workmen are regularized as Coal Fillers as they were initially appointed as Badli Fillers. It is true that Ex.W2 to W4 are issued by the Management. Witness adds that as long as they worked as TM they were given increments as they have put up 190 musters. It is true that the petitioners are not signatory to Ex. M1.

14. It is argued by the learned counsel for the petitioner that in the dispute, 38 workers are involved who were appointed on various dates during 1994 as Badli Filler. They were drafted to work as Tunnel Mazdoor and there after they should have been given regular posting as General Mazdoor whereas similarly situated persons were given the said benefits as the workmen have worked as General Mazdoor. They cannot be deprived of the service weightage consequent to their conversion as Coal Fillers. The General Mazdoor category is a monthly rated post whereas Coal Filler is a daily rated post. Hence, why should they be bound by a so-called settlement entered into between some other Union to which they were not signatories. Hence, the respondent should be directed to regularize the petitioners as General Mazdoors w.e.f. 1-4-1995 together with seniority and service benefits.

15. It is argued by the Learned Counsel for the respondent that the petitioners were initially appointed as Badli Filler and subsequently drafted as Temporary Tunnel Mazdoors and in pursuance of the agreement between the Union which raised a number of demands about 2500 Badlees are appointed as Coal Fillers w.e.f. 1-3-2000 and this agreement according to WW1. Further WW1 has admitted that this Singareni Collieries Workers Union is a recognized Union and settlements entered by the recognized Union. Therefore, this matter has been settled by the settlement. WW2 was also says that he has not filed anything to show that his wages were Rs. 3550 and he has not filed any documents to show that those who have completed one year of service as TTM are entitled for General Mazdoor post nor he has filed document to show that similarly situated candidates who have worked as TTMs for a period of one year are getting promotions as General Mazdoors in the company. Whereas the MW1 has deposed that there are no vacancies in the category of General Mazdoor in the company itself. As early as year 2000 itself, the company has offered VRS to General Mazdoors to start with. In Ramagundam-II area itself the management has permitted 131 General Mazdoors to avail the VRS benefits as they are surplus. He further argues that the Hon'ble Supreme Court Union of India Vs. ECE Sunder Rajan AIR 1990 page 959 as observed as follows :

"It is well established proposition that, there cannot be a case of discrimination merely because fortuitous circumstances arising out of some peculiar development or circumstances create advantages or disadvantages for one group or the other. Although, in the earlier stages, they were, more or less alike. The one class has not been singled out for special treatment, the mere circumstances of advantages accruing to one or the other cannot result any breach of the Article 14 of the Constitution." He therefore, submits that they are not entitled for regularization.

16. It may be noted that the reference is about appointing the temporary Tunnel Mazdoor as Coal Fillers is justified or not. It is in evidence of MW1, has stated that 131 General Mazdoors at Ramagundam-II area itself where allowed to take VRS so the question of regularizing these candidates does not arise. It may be seen that the

recognized Union has entered into a settlement where they have represented the demands of the 2500 Badlees as Coal Fillers and in pursuance of the said settlements they have been regularized as Coal Fillers. These petitioners have been provided job as Coal Fillers. I am afraid in the circumstances that when 131 General Mazdoors were allowed to retire under VRS under the same are, asking the management to take them as General Mazdoors will not be correct. Hence, I am of the opinion that under the given circumstances and in view of the Judgement cited by the learned counsel for the respondent in this peculiar situation, it cannot be said that there is any discrimination when 131 General Mazdoors were allowed to retire under VRS asking the management again to take these persons as General Mazdoors will not be correct. Hence, the reference is answered as follows the action of the General Manager, M/s. SCCo. Ltd. of Ramagundam Division-II, GDK in appointing the Temporary Tunnel Mazdoors as Coal Fillers is justified. Hence, they are not entitled to any relief.

Award passed accordingly. Transmit.

Dictated to Sri P. Kanaka Raju, LDC, transcribed by him corrected and pronounced by me on this the 29th day of April, 2005.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined
for the Petitioner :

WW1 & WW2

Witnesses examined for the
Respondent :

MW1

Documents marked for the Petitioner

- Ex. W1 : Particulars of Workmen.
- Ex. W2 : Office Order appointment of General Mazdoor dated 13-1-1995.
- Ex. W3 : Office Order appointment of General Mazdoor dated 30-3-1995.
- Ex. W4 : Office Order appointment of Coal Filler dt. 5-7-2000.
- Ex. W5 : Representation to ACL dated 17-8-2001.
- Ex. W6 : Minutes of meeting dated 20-11-2001.
- Ex. W7 : Failure Report dated 29-11-2001.
- Ex. W8 : Reference dated 12-8-2002.

Documents marked for the Respondent

- Ex. M1 : Settlement dated 21-2-2000.
- Ex. M2 : Appointment of petitioners as coal fillers dated 5-7-2000.
- Ex. M3 : Officer Order drafting the petitioner as Temporary Tunnel Mazdoors dated 30-3-1995.

नई दिल्ली, 27 जुलाई, 2005

का.आ. 3034.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस.सी.सी. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद (संदर्भ संख्या 22/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं. एल-22012/48/2003-आई आर (सी-11)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 27th July, 2005

S.O. 3034.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 22/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the Management of Singareni Collieries Company Limited, and their workman, received by the Central Government on 27-7-2005.

[No. L-22012/48/2003-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT HYDERABAD

PRESENT : Shri E. Ismail, B. Sc., L.L.B.,
Presiding Officer

Dated the 4th April, 2005

Industrial Dispute No. 22/2004

BETWEEN

The General Secretary,
Singareni Collieries Mines Workers Union,
Qrt. No. D/703, Opp. Rythu Bazar,
Godavarikhani-505 209Petitioner

AND

The Chief General Manager,
M/s. Singareni Collieries Co. Ltd.,
Ramagundam-I, Division,
Godavarikhani-505 209.Respondent

APPEARANCES:

For the Petitioner : K Vasudeva Reddy, Advocate
For the Respondent : K. Srinivasa Murthy, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/48/2003-IR (CM-II) dated 30-12-2003 referred the following dispute under Section 10(1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between the employers in relation to the Management of Singareni Collieries Co. Ltd. and their workman.

THE SCHEDULE

“Whether the action of the Chief General Manager, M/s Singareni Collieries Co. Ltd., Ramagundam-I Division, Godavarikhani in terminating the services of Sri Kasipaka Devaiah, Coal Filler, GDK-6B Incline w.e.f. 12-9-2001 is legal and justified? If not, to what relief the said workman is entitled?”

2. This reference was registered as Industrial Dispute No. 22/2004 and notices were issued to the parties.

3. The Petitioner filed a Claim Statement stating that Shri Kasipaka Devaiah was appointed on 1-11-87 and he was confirmed as Coal Filler. He was a member of Singareni Collieries Mines workers union. While Shri Kasipaka Devaiah working at GDK 6B incline a chargesheet dated 15-1-2001 was issued under standing order No. 25.25 alleged that he has worked for only 94 days during 2000 for ‘Habitual

absence from duty without sufficient cause’. On receipt the chargesheet the workman submitted his explanation but without considering its merits a formal enquiry was conducted wherein he was not given any opportunity. Basing on lopsided enquiry a show cause notice dated 12-8-2001 was issued and without considering the reply to it dated 25-8-2001, he was dismissed from service w.e.f. 12-9-2001. Aggrieved by the above, a conciliation was raised before Asst. Commissioner of Labour (Central), Mancherla which ended in failure, which resulted in the present reference to this Hon’ble Court.

4. It is further stated that his father expired in February, 2000 and subsequently his mother fell sick and she had been taken to Karimnagar and Hyderabad for treatment. It is also stated that as his mother became mentally ill and she has not yet recovered from illness and that is why he was absent. The Petitioner also stated that even during the course of enquiry and also in reply to show cause notice Shri Devaiah pleaded all the above aspects yet he was dismissed from service w.e.f. 12-9-2001. Hence, he may be reinstated with all consequential benefits, continuity of service, back wages etc.

5. A counter was filed that stating that during calendar year 2000 the workman has remained absent for 202 days and worked for 94 days. His attendance is very bad. For example in the year 1997 he worked for 136 days, in 1998 he worked for 104 days, in 1999 he worked for 169 days, in 2000 he worked for 94 days for which he was chargesheeted, in 2001 he worked for 35 days upto June. So even after he was chargesheeted, he did not improve his attendance and put in 35 musters in 2001 upto June. Hence, it is not a fit case to show any sympathy to the workman.

6. Though the petitioner stated in claim statement that in enquiry Shri Devaiah was not given any opportunity to defend his case, a memo was filed conceding that domestic enquiry was validly conducted. It is argued by the Learned Counsel for the petitioner that after all the petitioner was appointed on as far back as 1987 and due to his father's ill health and later his expiry and his mother's ill health, he could not attend to duty properly and a chance may be given to him.

7. It is argued by the Learned Counsel for the respondent that the petitioner unconditionally admitted the charges and pleaded guilty therefore no sympathy need to be shown and more so due to his attendance in 2001 he does not deserve any sympathy.

8. It may be noted that the petitioner has joined the service on appointment on 1-11-87 and till 2000 he was working and from 2000 onwards he has been irregular and he has been dismissed on 12-9-2001. I am of the opinion that the punishment he already undergone is sufficient and he can be given another chance with certain condition. He shall be reinstated within 30 days from the publication of this award or he shall be paid wages per month as per his last pay drawn. He will be reinstated on the following terms and conditions :

1. His services from 12-9-2001 till he is reinstated shall not be counted for any purpose including retirement purposes.

2. He will be reappointed as coal filler on the last pay that he has drawn.
3. He shall put in minimum musters for 3 consecutive years only then his services shall be confirmed.

Award passed accordingly. Transmit.

Dictated to Shri J. Vijaya Sarathi, LDC transcribed by him corrected and pronounced by me on this the 4th day of April, 2005.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner :

Nil

Witnesses examined in the Respondent :

Nil

Documents marked for the Petitioner

NIL

नई दिल्ली, 27 जुलाई, 2005

का.आ. 3035.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस.सी.सी. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद (संदर्भ संख्या 218/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं. एल-22012/204/2000-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 27th July, 2005

S.O. 3035.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 218/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the Management of M/s. S.C.C. Ltd. and their workman, received by the Central Government on 27-7-2005.

[No. L-22012/204/2000-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT HYDERABAD

Present : Shri E. Ismail, B. Sc., L.L.B.,
Presiding Officer

Dated the 11th April, 2005

Industrial Dispute No. 218/2002

Between :

Sri P. Raghuramulu

..... Petitioner

AND

The Chief General Manager, (Projects),
M/s. Singareni Collieries Company Ltd.
Yellandu Area,

Khammam

..... Respondent

Appearances :

For the Petitioner : M/s. G. Vidyasagar, Kudaya
Sree, P. Sudheer Rao, B.
Shivkumar & D. Madhusudan,
Advocates

For the Respondent : Sri J. Parthar Sarathy, Advocate

AWARD

This is a referred by the Govt. of India, Ministry of Labour by order No. L-22012/204/2000/IR(CM-II) dt. 0-3-2002 to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The I.D. was numbered in this Tribunal as I.D. No. 218/2001 and notices were issued to parties.

SCHEDULE

"Whether the action of the management of M/s. Singareni Collieries Company Ltd., Yellandu area in dismissing Sri P. Raghuramulu, Ex. Electrician. Yellandu from services w.e.f. 21-1-1988 is legal and justified? If not, to what relief the applicant is entitled to?"

2. The brief facts of the case are that the petitioner joined the Respondent Company on 23-3-1975 and promoted as electrician in category IV on 1-2-77 and further promoted as electrician category V on 1-3-1980. The petitioner was working in 21 incline, Yellandu division, Khammam in the year 1987. On 25-6-87, he reported for duty during the 2nd shift. After reporting duty, he was asked by Mr. M. Veeraswamy, Under Manager to work in the machine mining section whereas he has been working in the hand section. Since he did not have experience or conversant with the machine mining section and the circuits in the said section, he requested the under manager not to allot him the machine mining section. He requested the under manager not to allot him to machine mining section since there were other electricians available which are acquainted with the machine mining section operations. Without considering the representations made by the Petitioner the petitioner was issued with charge sheet dated 25-6-87 by the Colliery Manager, 21 incline alleging the following Charges :

You are hereby charged with the offences noted hereunder :

"It is reported that on 25-6-87 in second shift at about 4.00 pm. you were instructed by Shri H Veeraswamy, under Manager, strut Pit to work in Machine Mining Section. You refused to obey the reasonable orders of your superior officer, which is a misconduct under company's Standing Order of 16 (1)."

Further, you have threatened Mr. H. Veeraswamy, Under manager :

This is a misconduct as per Reg. 38(1) of Coal Mines Regulations, 1957 which say "No person shall use any threat to any other person with a view to preventing him from complying with the provisions of the Act or of the regulations, or orders made thereunder or from performing his duties faithfully.

This is a misconduct under Company's Standing order 16(19)."

4. It is submitted that a detailed representation dated 29-6-87 was given by the petitioner but without considering the same, an enquiry was conducted into the charges. Without giving reasonable opportunity in the enquiry, the Enquiry Officer submitted a report holding that the Petitioner is guilty of the charges framed against him. Basing on the findings of the Enquiry Officer, the Petitioner was dismissed from service w.e.f. 21-1-1988.

5. The Petitioner approached the Hon'ble High Court vide WP No. 1288 of 1983. The Hon'ble High Court initially suspended the dismissal order. Thereafter when the matter came up for hearing on 23-12-1988 same was disposed off with a direction to avail the alternative remedy under the ID Act.

6. It is submitted that at the time of termination of the Petitioner from service, the Industrial Dispute in ID No. 38/89 was pending with regard to grant of stagnation increments to the workmen who have completed 10 years of service in the same category/grade. Since the ID was pending and the Petitioner herein being concerned, workmen filed an application under section 33(A) challenging the termination of service on the ground of violation of 32-B and 33 of the ID Act. The said complaint under 33(A) was registered as MP No. 27/89 in ID No. 39/87 on the file of the Industrial Tribunal, Hyderabad.

7. The Industrial Tribunal held that the Petitioner herein is a concerned workman and the complaint under Sec. 33A is maintainable. Aggrieved by the said order dated 1-3-90. The Company filed Writ Petition No. 10513/90, which was allowed by an order dated 17-8-99 holding that the Petitioner is not a concerned workman. That subsequent to the disposal of the Writ Petition the Petitioner initiated conciliation proceedings by making representations dated 27-11-99, which lasted from 19-1-2000 to 23-3-2000 and it ended in failure. Thereafter no reference was made. Hence, the Petitioner filed Writ Petition No. 13351/91, the same was disposed off on 22-2-2002 directing the Government of India to take decision. Hence, in view of the directions to the Government of India by the Hon'ble High Court of A.P. this reference was made.

8. It is submitted that the charge alleged against the Petitioner is wholly arbitrary and unjust and much is said against the domestic enquiry but this court vide separate order dated 20th October, 2004 held that the domestic enquiry is conducted validity.

9. A counter was filed stating that the Petitioner is a electrician and as an electrician he should have following qualification :

"A Workman possessing statutory qualification upto medium pressure capable of reading diagrams and having a through knowledge of wiring circuit. He must be capable of detecting and recetifying fault within reasonable time. He should have the knowledge of different types of electrical equipments, such as, meger, voltmeter, tang tester and wat meters, he should have also the knowledge of motor and transformer winding. Besides, he must keep his related machines and equipments clean."

10. It is also stated that he worked for 7 years yet he refused to work on 20-1-1988. It is also stated that the enquiry was properly conducted and the past record of the Petitioner is also not good and is as follows :

- (a) The Petitioner was issued a charge sheet on 21-2-1984 under Company's Standing Orders 16(1) and 16(19) for disobedience of the lawful instruction of superiors and he was suspended for 10 days from 29-11-1984 to 8-12-984.
- (b) The Petitioner was issued charge sheet on 27-2-1984 under Company's Standing Orders 16(4) and 16(19) for habitual absenteeism and he was suspended for 10 days from 8-10-84 to 17-10-84.
- (c) The Petitioner was issued charge sheet in 12-3-84 under company's Standing Orders 16919 and was suspended for three days from 17-12-84 to 19-12-84.
- (d) The Petitioner was issued charge sheet in 24-9-84 under Company's Standing Orders 161, 16(5) and 16(19) and was suspended for 10 days from 19-3-86 to 28-3-86.

Hence, the order of dismissal may be confirmed.

11. Arguments are advanced on the same lines.

12. It may be seen that this case has got a chequered history. The Petitioner no doubt seems to be intelligent means he joined as General Mazdoor in 1975 and promoted within a short time as Category V electrician. But from the counter it seems that he has previously also disobeyed lawful orders of superiors. He was dismissed from service from on 28-1-1988 and it is more than 17 years and his age by now is also around 56 years. The only problem is he approached the High Court and the Hon'ble High Court directed him on 23-12-88 itself to approach the Labour Court but by a mistaken impression he challenged the same in ID 38/95 and it was pending in 33(A) which was allowed by the Industrial Tribunal-I, Hyderabad against which the Management of Singareni Collieries Co. Ltd. went in Writ Petition and ultimately the Hon'ble High Court reversed the order of IT-I, Hyderabad on 17-8-99. Again, the matter went to conciliation. As no reference was made on failure, a Writ Petition was filed and pursuant to directions of Hon'ble High Court, this reference was made.

13. I am of the opinion seeing the chequered history of the case and sufferings the Petitioner has under gone and he attained 50 years of age, the punishment is also

disproportionate and now giving re-instatement after a long gap of 17 years and the retirement age is 58 years and the Petitioner can be compensated by giving him a lump sum amount as he joined in 1975 and dismissed in January, 1988 after working about 13 years of service and in those days the pay also must have been sufficiently less. Accordingly, an award to be passed upholding the dismissal of Shri P. Raghuramulu Ex. Electrician from 21-1-1988 but however, he should be entitled for 13 months pay i.e. last pay drawn multiplied by 13 should be paid to him within 30 days from the publication of this award failing which he will be entitled for the said amount with 6 per cent interest per annum.

Dictated Shri J. Vijaya Sarathi, LDC transcribed by him corrected and pronounced in the open court by me on this the 11th April, 2005.

E. ISMAIL, Presiding Officer

APPENDIX OF EVIDENCE

Witnesses examined for the
Petitioner

Nil

Documents marked for the Petitioner/Workman

Nil

Documents marked for the Respondent

Nil

नई दिल्ली, 27 जुलाई, 2005

का.आ. 3036.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, आई.जी.एस.आई.टी.सी. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर (संदर्भ संख्या सी.जी.आई.टी.-47/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं. एल-42012/56/2004-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 27th July, 2005

S.O. 3036.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-47/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the Industrial Dispute between the Management of Institute of Geological Survey of India Training and their workmen, received by the Central Government on 27-7-2005.

[No. L-42012/56/2004-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-47/2004

Reference No. L-42012/56/2004 (IR(CM-II))

The General Secretary,
GSI Employees Union,
822, GSI Office,
Jalana Doongari,
Jaipur

Applicant

Versus

The Director,
Institute of Geological Survey of India
Training Centre, Jalana Doongari,
Jaipur

Non-applicant

Present :

Presiding Officer : Sh. R.C. Sharma

For the applicant : None.

For the non-applicant : Sh. T.P. Sharma

Date of award : 14-6-2005.

AWARD

1. The Central Government in exercise of the powers conferred under Clause D of sub-sections 1 and 2(A) to Section 10 of the Industrial Disputes Act, 1947 (for short, 'The Act') has referred the following industrial dispute to this Tribunal for adjudication, which runs as under :

"Whether action of the management of Institute of Geological Survey of India Training Centre, Jalana Doongari, Jaipur in terminating the services of Sh. Heeralal S/o Sh. Amar from 10-5-2002 in legal and justified? If not, to what relief the workman is entitled to?"

2. Pursuant to the receipt of this reference, the notices to both the parties were issued. On behalf of the non-applicant establishment its representative put his appearance before the court. But despite the service of the registered AD notice on the Union, none appeared on its behalf before the court.

3. No material could be placed before the court to adjudicate the matter on the merits. It appears that the applicant-union is not willing to contest the case further and under these circumstances a "No Dispute Award" is passed in this matter.

4. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 27 जुलाई, 2005

का.आ. 3037.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस.सी.सी.एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद (संदर्भ संख्या एल.सी.आई.डी. नम्बर 12/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं. एल-22013/1/2005-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 27th July, 2005

S.O. 3037.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. L.C.I.D. No. 12/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the Management of SCCL and their workman, which was received by the Central Government on 27-7-2005.

[No. L-22013/1/2005-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, HYDERABAD

PRESENT : SHRI E. ISMAIL, B.Sc., LL.B.,
Presiding Officer

Dated the 2nd May, 2005

Industrial Dispute L. C. I. D. NO. 12/2004

Between :

Kurri Mallikarjun ...Petitioner

S/o. Narsaiah,
Aged about 32 years
Occ : Ex-employee
R/o Jangaom Village Jangaom (M)
Ramagundam, Karimnagar District.

AND

1. Colliery Manager,
KTK 1 & 1 A Incline,
M/s. Singareni Collieries Co. Ltd.,
Bhoopalpalli.
2. Director,
Personal Administration & Welfare,
The Singareni Collieries Co. Ltd.
Kothagudem.
3. G.M. Personal
AGM/Bhoopalpalli
The Singareni Collieries Co. Ltd.
4. Managing Director,
Singareni Collieries Co. Ltd.
Kothagudem
Kharmam District. ...Respondent

APPEARANCES :

For the Petitioner : Shri S. Bhagwanth Rao, Advocate

For the Respondent : Shri K. Srinivas Murthy, Advocate

AWARD

This is a case taken under Sec. 2-A (2) of the ID. Act, 1947 in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Brief facts stated in the claim statement are that the Petitioner was appointed as an employee in Respondent Company on 3-4-1992 and his services were confirmed in 1996. He could not attend duties in 2001 for some days because of ill health. Accordingly, an enquiry was conducted and terminated in 2003. Hence, he may be reinstated with full back wages.

3. A counter was filed stating that his attendance was very bad and stated that he worked in 1997 for 101 days, 1998 of 96 days, 1999 for 27 days, 2000 for 32 days. The Petitioner worked NIL musters in 2001 and 2002 the Petitioner did not even attended the enquiry hence it ex-parte enquiry was conducted by publishing in the newspaper "VAARTHA" dated 28-6-2002 following principles of natural justice. Hence the dismissal order may be confirmed.

4. The counsel for the Petitioner filed a memo conceding that the domestic enquiry was validly held. Hence, arguments heard under Section 11(A) of ID Act.

5. It is prayed by the Learned Counsel for the Petitioner that the absence was not wanton and because of ill health and he requests for voluntary retirement.

6. It is argued by the learned Counsel for the Respondent that in 2001 and 2002 his muster was nil in 2000-32 and previously also his musters were very bad i.e. from the date of being made permanent he started not working. Hence he may not be given any relief.

7. It may be seen that for VRS one should have completed 50 years of age and should have put in minimum 10 years of service as per Section 3 of Law related to Resignation and VRS. Unfortunately, neither he is 50 years old nor he has put in 10 years of service because in 2001 and 2002 he has put in NIL, musters. Therefore he has worked from 3-4-1992 to 31-3-2000 almost 8 years. Hence, while containing dismissal order dated 24-3-2003, I hold that the Petitioner has put in 8 years of service he shall be paid 4 months last drawn pay in lumpsum within 30 days from the publication of this award failing which he is entitled for 6% simple interest per annum.

Award passed accordingly. Transmit.

Dictated to Shri J. Vijaya Sarathi, LDC transcribed by him corrected and pronounced by me on this the 2nd day of May, 2005.

E. ISMAIL, Presiding Officer

APPENDIX OF EVIDENCE

Witnesses examined for the
Petitioner

Nil

Documents marked for the Petitioner

Nil

Documents marked for the Respondent

Nil

Witnesses examined
the Respondent

Nil

नई दिल्ली, 27 जुलाई, 2005

का.आ. 3038.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एल. के. ए. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नम्बर 1, नई दिल्ली (संदर्भ संख्या 80/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं. एल-42012/215/2001-आई आर (सीएम-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 27th July, 2005

S.O. 3038.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 80/2002) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure, in the Industrial Dispute between the Management of Lalit Kala Academy, and their workmen, received by the Central Government on 27-7-2005.

[No. L-42012/215/2001-IR (CM-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 1, NEW DELHI

PRESIDING OFFICER: SHRI S. S. BAL

I. D. No. 80/2002

In the matter of dispute between :

Shri Dharamvir kumar S/o Sh. Manhar Dass,
196, Block 'D',
Phase-1, Sector-3,
Pappankalan,
New Delhi-110056

...Workman

Versus

The Secretary,
Lalit Kala Academy,
Ravindra Bhawan,
35, Firoz Shah Road,
New Delhi-110001

...Management

APPEARANCES:

Mrs. Jasbinder Kaur A/R for the Workman
None for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/215/2001-IR (CM-II) dated 27-9-2002 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Lalit Kala Academy, New Delhi in termination the services of Sh. Dharamvir Kumar, Casual Labour w.e.f. 16-2-1998 is legal and justified. If not, to what relief he is entitled to?"

2. Brief facts as called from record are that the workman joined the management as a daily wage casual worker on 16-1-1989 and continued to work as such till 1992. Therefore, the services of the workman were periodical i.e. from April, 1995 to August, 1996 and September, 1996 to 16-2-98. During this tenure the work conduct of the workman was above average and to the entire satisfaction of the employer; that workman had worked for more than 240 days but for the reasons best known to the management the services of the workman were terminated w.e.f. 16-2-98. However, as many as 8 persons junior to the workman were regularized in service. The management has illegally and arbitrarily terminated the services of the workman and has not regularised him against the class IV post. The said act of the management is absolutely illegal, arbitrary, discriminatory and in violation of Article 14 and 16 of the Constitution. Hence it is prayed that the management be directed to reinstate the workman w.e.f. 16-2-98 and regularise him against the class IV post from the date on which person junior to him was regularised. It is also prayed that management be directed to pay arrears of pay and other consequential benefits.

3. The case was fixed for filing written statement on 20-3-2003, 7-5-2003 and on 31-7-03 none for the management appeared and hence management was ordered to be proceeded against exparte.

4. The workman filed affidavit in evidence in support of his case and his exparte evidence was recorded.

5. I have heard learned counsel for the workman and perused the record.

6. In view of the facts and circumstances of the case I am of the opinion that the work for which the workman was appointed is of permanent nature and person junior to the workman was appointed after termination of the workman, the action of the management of Lalit Kala Academy, New Delhi in terminating the services of Shri Dharamvir Kumar, Casual Labour w.e.f. 16-2-98 is not legal and justified. He is directed to be reinstated in service w.e.f. 16-2-98 and regularised against Class IV post with pay arrears and other consequential benefits as claimed Award is given accordingly. File be consigned to record room.

Dated : 22-07-2005.

S. S. BAL, Presiding Officer

नई दिल्ली, 27 जुलाई, 2005

का.आ. 3039.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, आई. जी. एस. आई. टी. सी. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर (संदर्भ संख्या सी.जी.आई.टी.-46/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं. एल-42012/55/2004-आई आर (सीएम-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 27th July, 2005

S.O. 3039.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. CGIT-46/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the Industrial Dispute between the Management of Institute of Geological Survey of India Training and their workmen, received by the Central Government on 27-7-2005.

[No. L-42012/55/2004-IR (CM-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR, JAIPUR

Case No. CGIT-46/2004.

Reference No. L-42012/55/2004 [IR (CM-II)]

The General Secretary,
GSI Employees Union,
822, GSI Office,
Jalana Doongari,
Jaipur

...Applicant

Versus

The Director,
Institute of Geological Survey of India Training Centre,
Jalana Doongari,
Jaipur

...Non-applicant

Present :

Presiding Officer : Sh. R. C. Sharma
For the applicant : None.
For the non-applicant : Sh. T. P. Sharma
Date of award : 14-06-2005

AWARD

1. The Central Government in exercise of the powers conferred under Clause D of Sub-sections 1 & 2 (A) to Section 10 of the Industrial Disputes Act, 1947 (for short, 'the Act') has referred the following industrial dispute to this Tribunal for adjudication, which runs as under :—

“Whether action of the management of Institute of Geological Survey of India Training Centre, Jalana Doongari, Jaipur in terminating the services of Sh. Dharma S/o Sh. Mota from 10-5-02 is legal and justified? If not, to what relief the workman is entitled to?”

2. Pursuant to the receipt of this reference, the notices to both the parties were issued. On behalf of the non-applicant establishment its representative put his appearance before the court. But despite the service of the registered AD notice on the Union, none appeared on its behalf before the court.

3. No material could be placed before the court to adjudicate the matter on the merits. It appears that the applicant-union is not willing to contest the case further and under these circumstances a “No Dispute Award” is passed in this matter.

4. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 27 जुलाई, 2005

का.ओ. 3040.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, आई. जी. एस. आई. टी. सी. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर (संदर्भ संख्या सी.जी.आई.टी.-48/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं. एल-42012/57/2004-आई आर (सीएम-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 27th July, 2005

S.O. 3040.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. CGIT-48/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the Industrial Dispute between the Management of Institute of Geological Survey of India Training and their workmen, received by the Central Government on 27-7-2005.

[No. L-42012/57/2004-IR (CM-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-48/2004.

Reference No. L-42012/57/2004 IR (CM-II)

The General Secretary,
GSI Employees Union,
822, GSI Office,
Jalana Doongari,
Jaipur

...Applicant

Versus

The Director,
Institute of Geological Survey of India Training Centre,
Jalana Doongari,
Jaipur

...Non-applicant

Present :

Presiding Officer : Sh. R. C. Sharma
For the applicant : None.
For the non-applicant : Sh. T. P. Sharma
Date of award : 14-06-2005

AWARD

1. The Central Government in exercise of the powers conferred under Clause D of Sub-section 1 & 2 (A) to Section 10 of the Industrial Disputes Act, 1947 (for short, 'the Act') has referred the following industrial dispute to this Tribunal for adjudication, which runs as under :—

“Whether action of the management of Institute of Geological Survey of India Training Centre, Jalana Doongari, Jaipur in terminating the services of Sh. Nana S/o Sh. Kanwa from 10-5-02 is legal and justified? If not, to what relief the workman is entitled to?”

2. Pursuant to the receipt of this reference, the notices to both the parties were issued. On behalf of the non-applicant establishment its representative put his appearance before the court. But despite the service of the registered AD notice on the Union, none appeared on its behalf before the court.

3. No material could be placed before the court to adjudicate the matter on the merits. It appears that the applicant-union is not willing to contest the case further and under these circumstances a "No Dispute Award" is passed in this matter.

4. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 27 जुलाई, 2005

का.आ. 3041.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, आई. जी. एस. आई. टी. सी. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर (संदर्भ संख्या सी.जी.आई.टी.-45/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं. एल-42012/54/2004-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 27th July, 2005

S.O. 3041.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. CGIT-45/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the Industrial Dispute between the Management of Institute of Geological Survey of India Training and their workmen, received by the Central Government on 27-7-2005.

[No. L-42012/54/2004-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-45/2004.

Reference No. L-42012/54/2004 IR (CM-II)

The General Secretary,
GSI Employees Union,
822, GSI Office,
Jalana Doongari,
Jaipur

...Applicant

Versus

The Director,
Institute of Geological Survey of India Training Centre,
Jalana Doongari,
Jaipur

...Non-applicant

Present :

Presiding Officer : Sh. R. C. Sharma
For the applicant : None.
For the non-applicant : Sh. T. P. Sharma
Date of award : 14-06-2005

AWARD

1. The Central Government in exercise of the powers conferred under Clause (b) of sub-section 1 & 2 (A) to Section 10 of the Industrial Disputes Act, 1947 (for short, 'the Act') has referred the following industrial dispute to this Tribunal for adjudication, which runs as under :—

"Whether action of the management of Institute of Geological Survey of India Training Centre, Jalana Doongari, Jaipur in terminating the services of Sh. Nathu S/o Sh. Uda from 10-5-02 is legal and justified? If not, to what relief the workman is entitle to?"

2. Pursuant to the receipt of this reference, the notices to both the parties were issued. On behalf of the non-applicant establishment its representative put his appearance before the court. But despite the service of the registered AD notice on the Union, none appeared on its behalf before the court.

3. No material could be placed before the court to adjudicate the matter on the merits. It appears that the applicant-union is not willing to contest the case further and under these circumstances a "No Dispute Award" is passed in this matter.

4. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 27 जुलाई, 2005

का.आ. 3042.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, बी. एच. ई. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद (संदर्भ संख्या एल.सी.आई.डी. नम्बर 128/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं. एल-22013/1/2005-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 27th July, 2005

S.O. 3042.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. L.C.I.D. No. 128/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the Management of BHEL and their workmen, which was received by the Central Government on 27-7-2005.

[No. L-22013/1/2005-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT HYDERABAD

Present

SHRI E. ISMAIL
Presiding Officer

Date : 3-2-2005

L.C.I.D. No. 128/2004

(I.D. No. 3/03, Industrial Tribunal CUM Labour Court,
Visakhapatnam)

Between :

1. **Shri B. Krishna Murthy** ...Petitioners/workmen
ANDM/s Bharat Heavy Electricals Ltd.,
Simhadri Thermal Power Project,
Paravada,
Visakhapatnam,

Rep. by Its Deputy General Manager ...Respondent

Appearances :

For the Petitioner : **Shri S. Narayana,**
AdvocateFor the Respondent : **Shri D. V. Subba Rao,**
Advocate

This is a case taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others bearing I.D. No. 3/2003 filed under Sec. 2 A (2) of the I.D. Act, 1947 before the Industrial Tribunal cum Labour Court, Visakhapatnam and transferred to this Court in view of Government of India, Ministry of Labour's order No. H-11026/1/2001-IR (C-II) dated 18-10-2001. The I.D. was renumbered in this Tribunal as L.C. I. D. No. 128/2004 and notices issued to parties.

The brief facts stated in the claim Petition are that the Petitioner worked as temporary supervisor (civil) from 9-3-1999 in the Respondent organization and worked continuously till 12-4-2002 and that on 13-4-2002 he was prevented from signing the attendance register and orally informed him that his services are no longer required, without assigning any reasons and without following any statutory norms. Hence, he raised this dispute praying that the Hon'ble Court to direct the Respondent to reinstate him into service with continuity of service, back wages and attendant benefits.

A counter was filed stating that the Petitioner was worked as Supervisor (civil) on temporary basis for a maximum period of 2 years initially and later for one year on contract basis and the Petitioner does not come under the definition of workman.

While the case was coming for Petitioner's evidence, it was transferred to this court and notices were issued to both parties directing them to appear at camp court at Visakhapatnam. The Petitioner absented himself inspite of several adjournment were given and 3-2-2005 this court made the following award.

Award

Petitioner & counsel absent. Respondent counsel present. Petitioner or counsel not evincing any interest and there is nothing on record to support the case of the Petitioner. Hence a 'NIL' Award is passed. Transmit.

Written by me and pronounced in the open court on this 3rd day of February, 2005.

E. ISMAIL, Presiding Officer

No oral or documentary evidence has been adduced by either side.

नई दिल्ली, 27 जुलाई, 2005

का.आ. 3043.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. सी. सी. एल. प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद (संदर्भ संख्या एल.सी.आई.डी. नम्बर 210/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं. एल-22013/1/2005-आई आर (सी-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 27th July, 2005

S.O. 3043.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. L.C.I.D. No. 210/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the Management of SCCL and their workmen, which was received by the Central Government on 27-7-2005.

[No. L-22013/1/2005-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR AT
HYDERABAD****Present :****SHRI E. ISMAIL, B. SC., L.L. B.,****Presiding Officer**

Dated : 11th April, 2005

Industrial Dispute L.C.I.D. No. 210/2001**(Old I.D. No. 3/99 transferred from Industrial Tribunal-cum-Labour Court, Warangal)****Between :****Shri D. Vijaya Kumar** ...Petitioner**AND**The Chief General Manager,
The Singareni Collieries Co. Ltd.,
Yellandu Area,
Yellandu,
Khammam District-507 123

...Respondents

Appearances :For the Petitioner : **Sri S. Venkateswara Rao,**
AdvocateFor the Respondent : **M/s. K. Srinivasa Murthy,**
Advocate.**AWARD**

This is a case taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others bearing I.D. No. 3/99 filed under Sec. 2 A (2) of the I.D. Act,

1947 before the Industrial Tribunal-cum-Labour Court, Warangal and transferred to this Court in view of Government of India, Ministry of Labour's order No. H-11026/1/2001-IR (C. II) dated 18-10-2001. The I.D. was renumbered in this Tribunal as L.C.I.D. No. 210/2001 and notices were issued to parties.

2. The brief facts of the petition as mentioned in the petition are : That the Petitioner was appointed as general mazdoor on 30-12-85 on regular basis and removed on 16-3-99. He was working in 21 Incline, Yellandu area and issued with a charge sheet dated 13-7-99 alleging that about at 2.30 AM on 8-3-97 he gave two loads of coal from Centenary Incline bunker, one each to two lorries AAD-653 and AP 7U 1999 unauthorisedly without loading slips issued by way bridge authorities. It is further mentioned that the version of the Management is that the Estates Officer and Incharge of S & PC Department has received a phone call at about 4.30 AM on 8-3-97 from HRK Swamy, Jamedar of S & PC Department that two lorries bearing No. AAD-653 and AP7U 1999 carrying coal load were caught at Shantinagar on Khammam Road and brought back to S & PC Department office. That the said lorries did not stop at Khammam road check-post for verification of documents and that they have chased the lorries and caught at Shantinagar while taking away coal. During the enquiry the lorry drivers and one broker named Rafi Ahmed @ Thaqiuddin produced certain challans and waybills, which do not contain round seal of SCCL on the reverse of the challans. Accordingly the Estates Officer rushed to S & PC office and seized the documents viz., C Books of lorries, driving licenses of the drivers. The Estate Officer has examined the broker Mr. Rafi Ahmed @ Thaqiuddin who stated that he got the coal loaded from Century incline bunker into the above two lorries with the help of Mr. Zainulabuddin, Security guard and the above documents are also given by him only. The Estates Officer further examined the drivers of the two lorries and also recorded their statements and also recorded the statement of the broker Rafi Ahmed. The Estate Officer after recording the statements went to Century Incline Bunker along with Sri HRK Swamy, Jamedar, where he found that Mr. D Vijaya Kumar, Petitioner herein, and Sri P Venkateshwarlu, Badli worker working on Century Incline Bunker.

3. The fact of the case is that on 7-3-97 three persons were working on bunkers viz 1, D Vijay Kumar, 2. Posham Venkateshwarlu and 3. Katti Veera Swamy. All the three persons are jointly responsible for loading the coal at the bunkers. It is not the practice that all three workers allotted the bunkers separately. All the three persons jointly use to work on bunkers. Infact, on that day the Petitioner was not feeling well and suffering from fever. The other two persons were given the coal to the lorries. With the permission and understanding of two other workers, the Petitioner slept due to his illness. As such, the charge is denied. The Petitioner submits that his co-worker Shri P Venkateshwarlu admitted that he helped him and both discharged duty on bunker. Subsequently he was arrested by the police and on enlargement on bail, he approached the Management to allow him for duties. The Management obtained his signatures forcibly. But although the broker stated that the

coal loaded from century incline bunker into the lorries with the help of Mr. Zainulabuddin, Security Guard and the documents were also given by him only and the witness is against Mr. Zainulabuddin yet he was made scape-goat. Neither the driver nor broker stated that the Petitioner is involved in the matter whatsoever. The enquiry is not proper. The punishment is too harsh and disproportionate. Hence, he may be reinstated with continuity of service, full back wages and all other attendant benefits.

4. A counter stating that Shri D Vijay Kumar worked as General Mazdoor of No 21 Incline in Yellandu area. While in service he was on duty on 7-3-1997 in 3rd shift (at about 2.30 AM) on 8-3-1997) as Bunker Chainman has issued coal to two lorries bearing nos. AAD-653 and AP 7U 1999 without loading slips contrary to written instructions as issuing coal to two lorries without loading slips by the Petitioner amounts to misconduct under Company's Standing order No 25(1) which reads as follows :

25 (1) : Theft, fraud or dishonesty in connection with the employer's business or property.

5. As the charges levelled against the Petitioner were grave and serious in nature, he was suspended pending enquiry. The Petitioner was dismissed by the Respondent after a full length Departmental Enquiry was conducted. The Petitioner participated in the enquiry and defended (through his defence assistant. The action of the Management is legal, justified and in conformity with company's standing orders and the principles of natural justice were followed.

6. The above two lorries carrying coal loads on 7-3-97 in IIIrd shift were caught by Security personnel and brought back to office. They found the Petitioner herein Shri D. Vijay Kumar, General Mazdoor and P. Venkateshwarlu working in Century Incline Bunker. At Bunker No. 1 Shri Venkateshwarlu engaged and Shri D. Vijay Kumar at Bunker No. 2 and coal was issued to private lorries from Bunker No. 2: Shri D. Vijay Kumar gave a statement on 26-4-97 before two co-workers Shri B. Peddulu Lamp room In charge and Shri M. Venkateshwarlu, Shot firer of 21 incline. Shri Gundal Chandram one of the witnesses for the above statement played role of defence assistant for the reasons best known to him. That no discrimination was made and Shri Zainulabuddin, Security Guard was also charge-sheeted and Domestic Enquiry conducted and cases pending before JFCM, Yellandu. Enquiry was conducted in accordance to principles of natural justice. Hence, the Petitioner deserves no sympathy.

7. This court by order dated 25-6-2004 held that the domestic enquiry is validly conducted. Therefore, the only point is whether any relief can be given to him.

8. Arguments were advanced by the Learned Counsel for the Petitioner that in Ande Lingaiah's case the Hon'ble Supreme Court of India remanded it to this court to decide the matter on merits without considering the quantum of res-judicata and delay in filing the case. It should be decided on merits and not on technical grounds. The brief facts are the Ande Lingaiah approached the State Labour Court where the Petition dismissed for want of jurisdiction. Ultimately the matter was decided by the

Hon'ble Supreme Court by permitting Shri Ande Lingaiah to file appropriate application before Labour Court (Central), Hyderabad. So he submits this court has jurisdiction.

That in the counter it was mentioned that the case is pending before JFCM at Yellandu a copy of the same is filed herewith wherein A 6 is Shri D. Vijay Kumar and A 4 is Zainulabuddin. The Magistrate acquitted all the accused. Hence, there is no case against the Petitioner except the admission letter given by the Petitioner which was alleged that taken forcibly. Hence, he may be reinstated.

9. It is argued by the Learned Counsel for the Respondent that merely because Petitioner and another were acquitted in a criminal case, which requires proof beyond reasonable doubt, it cannot be said that his admission letter and the fact that the coal has gone out is not there. He has also given voluntary admission and one goes to the Enquiry Report several witnesses were examined and cross-examined and this court by a detailed order held the domestic enquiry is validly conducted and the Enquiry Officer come to the conclusion that it was the Petitioner has loaded the lorries and he has admitted in vide letter dated 26-3-97. Hence, he prays that the Petitioner may be dismissed.

It may be seen that no doubt the Petitioner and others acquitted by the JFCM, Yellandu and the enquiry report is based on the basis of evidences of witnesses and admission/confession letter is signed by Shri Godula Chandram who is the president of Swatantra Boggu Gani Karmika Sangam and he himself became the defence representative of the Petitioner herein. I can understand if any ordinary mazdoor signs as a witness is after all the president of the union and no doubt and the case has not proved to the hilt as beyond reasonable doubt yet there is probability that the Petitioner must have done this in collusion with Mr. Zainulabuddin and others but some relief can be given to him taking the circumstances as a whole as he worked for 13 years 3 months which can be rounded to 14 years of service.

An award is passed upholding the dismissal order dated 16-3-99. However, the Respondent shall pay 7 (seven) months last drawn wages to the Petitioner i.e. last drawn wage drawn by the Petitioner multiplied by 7 (seven) should be paid to him within 30 days from the publication of this award failing which he will be entitled for the said amount with 6 per cent interest per annum.

Dictated Shri J. Vijaya Sarathi, LDC transcribed by him corrected and pronounced in the open court by me on this the 11th April, 2005

E. ISMAIL, Presiding Officer

Appendix of evidence

Witness examined for the Petitioner	Witness examined for the Respondent
Nil	Nil

Documents marked for the Petitioner/Workman

Nil

Documents marked for the Respondent

Nil

नई दिल्ली, 27 जुलाई 2005

का.आ. 3044.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, डी. आर. आर. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद (संदर्भ संख्या एल. सी. आई. डी.-106/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं. एल-22013/1/2005-आई आर(सी-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 27th July, 2005

S.O. 3044.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. L.C.I.D. No. 106/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Directorate of Rice Research (DRR) and their workmen, which was received by the Central Government on 27-7-2005.

[No. L-22013/1/2005-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT : Shri E. Ismail, B.Sc., LL.B.,
Presiding Officer

Dated the 6th April, 2005

INDUSTRIAL DISPUTE L.C.I.D. NO. 106/2003

BETWEEN:

P. Sukhdev

... Petitioner

AND

1. The Project Director,
Directorate of Rice Research, Rajendranagar
RR District, Hyderabad.

2. The Secretary,
M/s Indian Council of Agricultural Research
(ICAR),
Krishi Bhawan, New Delhi.

... Respondent

APPEARANCES:

For the Petitioner : M/s M.V. Bharathi &
Ravindra Bharathi,
Advocates

For the Respondent : M/s Parameswara Reddy,
Advocate

AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa, and M/s. Cotton Corporation of India and two others.

2. The brief averments in the petition are that the petitioner was initially appointed as a skilled assistant in Soil Science Department in the Directorate of Rice Research, Rajendra Nagar with respondent No. 1 w.e.f. 4-2-1998 under the control of the respondent No. 1 herein. The initial wage of the petitioner is Rs. 400 per month. Thereafter the wages increased from time to time and as the drawn wages of the petitioner were Rs. 2,000 per month. The petitioner worked in the Soil Science Department continuously for about 12 years. Further to the utter surprise and dismay of the petitioner, his services were terminated abruptly, illegally, and orally from 31-5-2000 afternoon without complying provisions of Sec. 25(F). Hence, the termination is illegal, null and void. He got issued legal notice dated 21-6-2000 wherein the respondent No. 1 was called upon to reinstate with back wages and continuity of service with all attendant benefits. The respondent received the notice. They did not reply nor reinstated. The case was originally filed before the Hon'ble Labour Court No. 1 at Hyderabad, which was transferred to this Hon'ble Tribunal. In spite of his best efforts, he could not get an alternate accommodation. Hence, an award may be passed directing to respondent to reinstate him with continuity of service with all attendant benefits and full back wages.

3. A counter was filed stating that this court has no jurisdiction and one of the colleagues of the petitioner which was also a contractual labour like petitioner filed O.A. No. 180 of 2000 before the CAT seeking the similar relief which still pending on the file of the CAT.

4. The Petitioner was never engaged against a sanctioned post. He was engaged on need basis. The petitioner was never in continuous service. The Directorate of Rice Research is primarily a research organization. Its activity is related to research on various aspects of rice in irrigated ecosystem for the purpose of carrying out agricultural operations related to field, glass house and laboratory etc. and for other supporting unit. The skilled labourers on contract basis were engaged in the past depending on need based requirement or research scheme taken up from time to time. Such engagement was on purely seasonal and intermittent and solely based on the need subject to availability of provision under the contingencies in DRR's scheme budget. Due to budget constraints and lack of adequate work from 1-6-2000, the Directorate has discontinued the disengagement of all contractual workers including the petitioner. Further as the petitioner was not a regular appointed or master roles, Section 25(F) is not attracted. The notice was received but as he could not be appointed. No reply was given. Hence, the petition must be dismissed.

5. The petitioner examined himself as WW1 and deposed what all he stated in the affidavit. He also marked 10 Exhibits. Ex. W1 is the copy of the notice dated 21-6-2000. In the cross-examination, he deposed that since 12 years, he had been working. There was no appointment order at the time of joining. During joining, he was not working. He denied that the proper forum is CAT and this court has no jurisdiction. He denied that

only he was not as a casual labour. Hence he is not entitled for any relief. Ex. WW2 D. Laxmamma she deposed that she was initially working as casual labour and thereafter as permanent supporting staff grade I in Directorate of Rice Research, Rajendranagar, Hyderabad. Her total service is 40 years. Now she is retired and drawing pension. The Xerox copy of identity cards are Ex. W11 & Ex. W12. The Xerox copy of pension payment order is Ex. W13. The petitioner was worked as skilled assistant in Soil Science Department in the Directorate of Rice Research, Rajendranagar continuously for 12 to 13 years without any break. His services were terminated orally and the directorate had appointed several new workmen though contractor to discharge the duties hitherto done by the petitioner.

6. In the cross-examination, she deposed that her pension is Rs. 1508. Ex. W1 is related to her and they belong to the same village. The petitioner was working both in the office as well as in the officers house. He worked for 13 years continuously without taking any leave in the hope of being permanent. She denied that the petitioner worked intermittently. G. Krishna, Assistant Administrative Officer examined himself as MW1 and deposed to the said facts mentioned in the counter. He also marked Ex. M1 is the letter of M/s Indian Council of Agricultural Research dated 12-6-2001 for regularisation of casual labour on temporary basis. Ex. M2 is the letter dated 20-1-2001. Ex. M3 is the letter for sanction of plan scheme dated 14-9-2000. Ex. M4 is the endorsement of Indian Council of Agricultural Research dated 25-8-1999. Ex. M5 is the Office Memorandum dated 5-8-1999.

7. In the cross-examination, he deposed that he cannot say whether he will be able to produce the records to support the contention that the petitioner was engaged on need basis and not continuously. No retrenchment compensation was paid to him. He is not aware whether Indian Council of Agricultural Research has been held as an industry by various judgments of Hon'ble High Court of A.P. and Hon'ble Supreme Court. They have called for tenders adopting permanent service of petitioner after 6 months. It is true that they have given some notification on 18-10-2004 which is Ex. W14. It denied that the petitioner's dismissal/termination is illegal.

8. It is argued by the Learned Counsel for the petitioner that Ex. W14 is a notice dated 18-10-2004 published in Andhra Jyothi daily and he also admitted that after disengagement of services of the petitioner and others, they called for the tenders from the desirable contractors for doing the work in their organization. So the petitioner was engaged by the petitioner, the same work was done by the contractors. Further argues that he applied for work on an office dated 21-6-2000. If really the petitioner had worked from 4-2-1998 continuously, Ex. W4 is the petition filed before Labour Court-I and Ex. W5 is the reply statement filed there. Ex. W6 is a Office Order mandating the pay from Rs. 1000 to Rs. 1500. Ex. W7 is the letter dated 11-3-1999 which shows that petitioner is not to be as a contractual skilled assistant

at Soil Science since 11 years and drawing Rs. 1500 p.m. Ex. W10 is the notification calling for contractors for doing the work in various fields including Soil Science. Ex. W13 are the pension papers of WW2 and the Ex. M1. He further argued that Ex. M1 letter dated June 2002 stating that the grant of temporary status of casual labour was a one time scheme in 1993. Ex. M2 also pertains to the same. So he submits that it is very clear that Ex. M7 that the petitioner has been working in Soil Science in more than 11 years even on 11-3-1999. Therefore his dismissal without following 25 (F) is illegal. The respondent counsel submits that Ex. W7 after all if a letter from the contract skilled assistant and Ex. M2, Ex. M3 and Ex. M4 are about Indian Council of Agricultural Research is a society concern and as the petitioner is a contract skilled worker. Hence 25 (F) is not applicable to him. Hence he submits that the petition may be dismissed.

9. It may be noted that Ex. M2 it is denied that there are 137 casual workers at DRR farm and the 60 casual labours at Ramachandrapuram farm. It may be noted in LC. 221/2002 of this court by award dated 12th April, 2004 for similar situated person Balaraj granted him reinstatement as casual labour and held that as per documents filed in that case where the Deputy Chief Labour Commissioner(C) has held as the drawn contention to the fact that ICAR is in Central sphere and provisions of M.W. Act 1948 and Contract Labour Act (R&A), 1970 and Industrial Dispute Act are applicable. So Naturally the same thing although such a document has not been filed stands good for this case also and it is crystal clear from Ex. W7 that the petitioner has worked for more than 11 years even by 1999. So he has worked for 12 years. Hence I hold that the Central Industrial Tribunal has got jurisdiction as it is industrial matter and this court can directly take the case in view of the Judgement of Hon'ble High Court of A.P. reported in W.P. 8395/99 dated 3-8-1995 between U. Chinnappa, and M/s. Cotton Corporation of India and others. The I.D. Act is applicable to both respondents one and two. Therefore the case of the petitioner appears to be genuine. Hence, the respondents are directed to engage the petitioner as casual labour on the last drawn pay or whatever pay is payable now within 30 days from the publication of this Award failing which he will be entitled to the pay with 6% interest after 30 days of publication of this Award. The respondents shall also consider whether granting of temporary status and then making him permanent is feasible or not as per rules.

Award passed accordingly. Transmit.

Dictated to Shri P. Kanaka Raju, LDC transcribed by him corrected and pronounced by me on this the 6th day of April, 2005.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1	MW 1
WW2	

Documents marked for the Petitioner

- Ex. W1 : The office copy of the letter dated 21-6-2000 addressed to the project Director
- Ex. W2 : The postal registration receipt sending the said notice to the first respondent is marked
- Ex. W3 : The original postal acknowledgement acknowledge by the 2nd respondent is marked
- Ex. W4 : The copy of the petition filed in ID No. 623/2000
- Ex. W5 : The reply statement filed on behalf of respondents in ID. 623/2000
- Ex. W6 : The office order dated 16-6-1997 issued by Respondent No. 1
- Ex. W7 : The letter dated 11-3-1999 given by the petitioner to Res. No. 1
- Ex. W8 : The notification and the award of the Labour
- Ex. W9 : Court dt. 16-9-2002
- Ex. W10 : The copy of the notification along with its enclosure showing the details of contract work at Directorate of Rice Research from 15-1-2001 to 13-3-2001.
- Ex. W11 : The copy of identity card of D. Laxmamma
- Ex. W12 : The copy of identity card of D. Laxmamma
- Ex. W13 : The copy of Pension payment order of D. Laxmamma P.P.O. No. CRIDA-264.

Documents marked for the Respondent

- Ex. M1 : The letter ICAR dt. 12-6-2001 for regularisation of casual labour of temporary basis.
- Ex. M2 : The letter dt. 20-1-2001.
- Ex. M3 : The letter for sanction of plan scheme dt. 14-6-2000.
- Ex. M4 : The endorsement of ICAR dt. 25-8-1999.
- Ex. M5 : The office memorandum dt. 5-8-1999.

नई दिल्ली, 27 जुलाई, 2005

का.आ. 3045.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल (संदर्भ संख्या 28/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं. एल-22012/566/94-आई आर (सी-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 27th July. 2005

S.O. 3045.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Pef. No. 28/1995) of the Central Government Industrial Tribunal-

cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ECL and their workman, which was received by the Central Government on 27-7-2005.

[No. L-22012/566/94-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT:

Sri Md. SARFARAZ KHAN,
Presiding Officer.

Reference No. 28 of 2005

PARTIES:

The Agent, Kunustoria Colliery,
M/s. ECL., P.O. Topsy, Distt. : Burdwan
V/s.

The General Secretary,
Janta Colliery Mazdoor Congress,
P.O. Ushagram, Distt. : Burdwan

REPRESENTATIVES:

For the Management : Sri P.K. Das, Advocate.

For the Workman (Union) : None.

Industry : Coal State : West Bengal

Dated, the 23rd June, 2005

AWARD

In exercise of the powers conferred by clause (d) of Sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour vide its letter No. L-22012/566/94-IR C-II dated 26-05-1995 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Kunustoria Colliery under Kunustoria Area of ECL in dismissing Shri Madan Bouri, Ex-General Mazdoor from the service of the Colliery w.e.f. 20/22-2-89 on the grounds of misconduct vide Chargesheet No. ECL/KNT/PER/CS-7/336 dated 29-4-88 is legal and justified? If not to what relief the concerned workman is entitled to?"

After having received the aforesaid order of reference from the Govt. of India, Ministry of Labour, summons through the registered post were issued to the parties concerned who in pursuant to the summons appeared in the Court through their representatives and filed their respective written statements in support of their claims.

On perusal of the ordersheets of the record it transpires that the reference was fixed for final hearing on 20-5-99 and step was taken in the date fixed by side of the management but no step was taken on behalf of the union. Fresh notices were issued to the respective parties. The Lawyer for the management appeared but

nobody turned up to take any step by the side of the union. The record further goes to show that repeatedly fresh notices were issued against the union and the same were properly served and received by the party even then nobody turned up to take any step on behalf of the union. Union absence inspite of repeated issue of summons and grant of several adjournments go to reflect that the union has got no interest in this case and does not want to proceed with the case.

In such circumstance it is not proper and advisable to keep the record pending any more as no fruitful purpose is to be served. Accordingly it is hereby.

ORDER

That let a "No Dispute Award" be and the same is passed. Send copies of the award to the Ministry of Labour for information and needful. The reference is accordingly disposed off.

MD. SARFARAZ KHAN, Presiding Officer
नई दिल्ली, 27 जुलाई, 2005

का.आ. 3046.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 80/1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं. एल-20012/286/92-आई आर(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 27th July, 2005

S.O. 3046.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 80/1992) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 27-7-2005.

[No. L-20012/286/92-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/S. 10(1) (d) (2A) of I.D. Act.

Reference No. 80 of 1992

PARTIES : Employers in relation to the management of Bararee Colliery of M/s. B.C.C.L.

AND

Their Workman

PRESENT : SHRI Sarju Prasad,
Presiding Officer.

APPEARANCES:

For the Employers	: Shri H. Nath, Advocate.
For the Workman	: Shri B.B. Pandey, Advocate.
State	: Jharkhand.
Industry	: Coal.

Dated, the 15th July, 2005.

AWARD

By Order No. L-20012(286)/92-I.R. (Coal-I) dated the 31st August, 1992 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Bararee Colliery of M/s. B.C.C.L., Dhanbad in superannuating Sri Kailu Yadav, Trammer, w.e.f. 17-4-89 is justified? If not, to what relief the workman is entitled?"

2. The case of the sponsoring union is that Kailu Yadav, the concerned workman, was permanent employee at Bararee Colliery under M/s. BCCL. He was appointed as Trammer on 23-4-56 and at that time his date of birth was mentioned as 15-3-1936 in Form 'B' Register of the company maintained as per Mines Act. The concerned workman was issued Identity Card in which also his date of birth is mentioned as 15-3-36. On 17-9-85 the concerned workman was issued a Pay Coupon prepared by the management and in that coupon also his date of birth was mentioned as 15-3-36, but in the year 1987 the service excerpt was issued to him in which his date of birth was wrongly mentioned as 17-11-29 in place of 15-3-36 which was objected to by the concerned workman and prayer was made to correct the same. The management subsequently referred the concerned workman to Medical Board for assessment of his age without any rhyme and reason which is illegal and ultimately the concerned workman has been superannuated w.e.f. 17-4-89, although according to the date of birth mentioned in Form 'B' Register and other statutory records, he should have been allowed to continue in service till 14-3-96.

3. The case of the management, on the other hand, is that the concerned workman's date of birth in Form 'B' Register was mentioned as 15-3-26. In CMPF record also his date of birth was mentioned as 15-3-26, but subsequently in connivance with the concerned workman there was over-writing in Form 'B' Register as well as Identity Card Register in which '1926' was made '1936'. Therefore, the concerned workman was referred to competent Medical Board for assessment of his age which was assessed to be 58 years as on 15-4-87 and accordingly the concerned workman has been supersnuated from 17-4-89 on completion of 60 years of age.

4. The sponsoring union has not led any evidence in proof of date of birth of the concerned workman. The management has produced the Form 'B' Register as well

as Identity Card Register which have been marked as Ext. M-1 and M-3 in which there is glaring over-writing and the same appears to have been interpolated. The management has also produced the P.F. Register, Ext. M-2 but in that register there has not been any interpolation and the date of birth of the concerned workman has been written as 15-3-26. The management has further proved that the concerned workman was referred to Special Medical Board for assessment of his age and the Medical Board has assessed his age as 58 years as on 15-4-1987. Therefore, on that basis the concerned workman has been superannuated on attaining 60 years of age. The concerned workman has admitted that he was referred to Special Medical Board but his plea that he was not examined. In the complaint filed before the A.L.C.(C), Ext. M-6, the sponsoring union has admitted that the concerned workman was examined by the Medical Board and his age was recorded as 58 years as on 17-4-87. The management has also filed a reply to the complaint of the concerned workman before the A.L.C.(C), Dhanbad, Ext. M-6/1, in which it has been clearly mentioned that the Medical Board has found that his age is 58 years as on 15-4-87. The management has produced the Form 'B' Register and proved through MW-1—Ranjit Kumar Bhattacharjee, a clerk of the colliery and CMPF register and Identity Card Register through MW-2—Awadhesh Prasad Singh, another clerk. The Management has also produced other relevant papers through MW-3—Halan Suren.

5. Thus, from the materials on record it is apparent that there was over writing and interpolation in the entries regarding date of birth of the concerned workman in Form 'B' Register and Identity Card Register and was contradictory with that of the Provident Fund Register as well as the service excerpt. Therefore, the management had referred him to the Special Medical Board for assessment of his age where his age was assessed as 58 years as on 15-4-87. Therefore, I find that the action of the management in superannuating the concerned workman, Kailu Yadav, w.e.f. 17-4-1989 is justified and the concerned workman is not entitled to any relief.

6. In the result, following award is rendered.—

The action of the management of Bararee Colliery of M/s. B.C.C.L. in superannuating the concerned workman, Kailu Yadav, Trammer, w.e.f. 15-4-1989 is justified and he is not entitled to any relief.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 27 जुलाई, 2005

का.आ. 3047.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-1 के पंचाट (संदर्भ संख्या 15/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं. एल-20012/23/93-आई आर(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 27th July, 2005

S.O. 3047.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 15/1994) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 27-7-2005.

[No. L-20012/23/93-IR(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference u/s. 10(I) (d), (2A) of
I.D. Act.

Reference No. 15 of 1994

Parties : Employers in relation to the management of
Kusunda Colliery of M/s. B.C.C. Ltd.

AND

Their Workman

Present : Shri Sarju Prasad, Presiding Officer.

Appearances :

For the Employers : None.

For the Workmen : None.

State : Jharkhand.

Industry : Coal.

Dated, the 18th July, 2005.

AWARD

By Order No. L-20012/23/93-I.R. (Coal-I) dated the 16th February, 1994 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the demand of the union for assessment of age of Shri Sudama Yadav by the Medical Board is justified? If not, to what relief the workman is entitled?"

2. The case of the sponsoring union is that the concerned workman was originally appointed as Tyndal on 11-10-71, but his date of birth has not been correctly recorded in record. The management distributed "Sewa Abhilekh" in the year 1987 to the concerned workman and then he came to know that his date of birth has been recorded as 1-7-1942 whereas the date of birth of his elder brother, Prasad Yadav, who is working as Driver at Kusunda Area office has been recorded as 3-9-1948. He submitted a certificate from B.D.O., Goh Block, to show

that Prasad Yadav is elder to him but the management did not pay any heed to his representation, then he raised the present industrial dispute.

3. The case of the management, on the other hand, is that the concerned workman, Sudama Yadav, was originally appointed as Tyndal on 11-10-1971 and at the time of his entry into service he had declared his date of birth as 11-7-1942 and the same was accepted and recorded in Form 'B' Register which is a statutory register, maintained under Sec. 48 of the Mines Act, 1952. In the Identity Card also similar date of birth has been recorded and both the entries have been accepted by the concerned workman by putting his thumb impression. In the year 1987 the management served service excerpt to all the workmen including the concerned workman, who returned the copy of the service excerpt by putting his thumb impression without raising any objection against the entry made in the service excerpt. The concerned workman never approached the management for correction of his date of birth right from the date of appointment on 17-10-71 to 29-4-91. Since there is no variation or discrepancy in the date of birth recorded in all the statutory registers the demand of the concerned workman for referring him to Apex Medical Board does not arise.

4. It is admitted case that at the time of entry into service the date of birth of the concerned workman was recorded as 1-7-42 in Form 'B' Register as well as in the Identity Card and CMPF Register and there is no variation at all in the matter of recording of date of birth. The only grievance of the concerned workman is that his elder brother was also working as Driver and his date of birth has been recorded as that of 1948. The concerned workman or the sponsoring union has not produced any document in proof of actual date of birth of the concerned workman. As per the Implementation Instruction No. 76 of JBCCI under NCWA the date of birth recorded in Form 'B' Register should not be ordinarily disturbed unless there is glaring mistake. In case of variation in recording of date of birth in different registers then only a workman is to be referred to the Apex Medical Board. The JBCCI Instructions have been issued on the basis of settlement between the management and the different trade unions and it is binding upon all the workmen including the concerned workman. Therefore, when there is no discrepancy at all either in the Form 'B' Register, CMPF Register or the Identity Card Register nor there is any clinching evidence to show that there is glaring mistake in recording date of birth of the concerned workman then in such case the action of the management in not referring him to Apex Medical Board cannot be justified. The sponsoring union or the concerned workman has not filed any document to show what is the actual date of birth of the elder brother of the concerned workman. Therefore, if his elder brother got his date of birth recorded lesser than the concerned workman for that the concerned workman cannot take any benefit. It is possible that his elder brother was clever enough to get his date of birth recorded which is lesser than the concerned workman by somehow or other. Therefore, on that basis the concerned workman cannot claim that he should be referred to Apex Medical Board.

5. From the discussions made above, the following award is rendered :

The demand of the union for assessment of age of Sudama Yadav by the Medical Board is not justified and the concerned workman is not entitled to any relief.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 27 जुलाई, 2005

का.आ. 3048.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को. लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 151/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं. एल-20012/199/96-आई आर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 27th July, 2005

S.O. 3048.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 151/97) of the Central Government Industrial Tribunal-cum-Labour Court Dhanbad-I now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 27-7-2005.

[No. L-20012/199/96-IR(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference u/s. 10(I) (d) (2A) of
I.D. Act.

Reference No. 151 of 1997

Parties : Employers in relation to the management of
Sudamdih Shaft Mine of Ms./B.C.C.L.

AND

Their Workman

Present : Shri S. Prasad, Presiding Officer.

Appearances :

For the Employers : R. N. Ganguly, Advocate.

For the Workman : Shri S.C. Gour, Advocate.

State : Jharkhand. Industry : Coal.

Dated, the 14th July, 2005.

AWARD

By Order No. L-20012/199/96-I.R. (C-I) dated
27-8-1997 the Central Government in the Ministry of Labour

has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Sudamdih Shaft Mine of M/s.B.C.C.L. in denial to refer the case of Shri Baleshwar Sao, FRM to Apex Medical Board for assessment of his age is justified? If not, to what relief is the concerned workman entitled?"

2. The case of the sponsoring union is that Baleshwar Sao FRM was appointed on 31-1-1973 at Benedih Colliery from where he was transferred to Sudamdih Shaft Mine. According to the sponsoring union at the time of appointment the concerned workman declared his age as 20 years and the same age has been mentioned in Form 'B' Register of Benedih Colliery. He was issued an Identity Card in which also his age has been mentioned as 20 years as on 31-1-1973. In the year 1987 he was served with service excerpt in which it was mentioned that his date of birth is 31-1-1945. The concerned workman objected regarding his date of birth as 31-1-1947 and returned the service excerpt and thereafter he filed representation but the management neither corrected his date of birth nor he was referred to Apex Medical Board for assessment of his age.

3. The case of the management, on the other hand, is that in the statutory register Form 'B' maintained under Sec. 48 of the Mines Act, 1952 the date of birth has been mentioned as 31-1-1945 and the same age/date of birth has also been entered in the register of Identity Card and the service excerpt. There is no discrepancy in the date of birth recorded in the statutory register and other registers of the company, therefore as per Implementation Instruction No. 76 of JBCCI it was not a fit case to refer the concerned workman to Apex Medical Board.

4. It is admitted case of the parties that the concerned workman was appointed on 31-1-1973 at Benedih Colliery and thereafter he was transferred to Sudamdih Shaft Mine. According to the management, the concerned workman was transferred to Sudamdih Shaft Mine in the year 1986, but according to the concerned workman, he was transferred to Sudamdih Project by order dated 7/8-7-1976. The concerned workman has filed the said office order which is Ext. W-2 from which it appears that the concerned workman was transferred from Benedih Colliery to Sudamdih Project by order dated 7/8-7-1976. The management has not produced any Form 'B' Register of Benedih Colliery. The management has produced Form 'B' Register of Sudamdih Shaft Mine which was prepared sometime in the year 1987. The management's witness MW-1—Uttam Kumar Dubey, who is Personnel Manager in the said mine, has admitted that Form 'B' Register (Ext. M-1) was prepared in the year 1987 and so is the case of service excerpt and the register of Identity Card. Thus, I find that the management has failed to produce that at the time of entry into service at Benedih Colliery the dated of birth of the concerned workman was recorded as 31-1-1945 or 28 years as on 31-1-73. As per Sec. 48 of the Mines Act the management is required to enter the name of a workman

in Form 'B' Register on the same date when he is appointed and joined duty. But there is no explanation as to why the management has not produced the Form 'B' Register of Benedih colliery where the concerned workman first joined on 31-1-1973 nor there is an explanation as to why the management has not prepared the Form 'B' Register in the year 1976 when the concerned workman was transferred from Benedih colliery to Sudamdih Project. It is apparent from the evidence of the workman and also various representations filed by him that he is making representations time and again from the year 1987 itself for correction of his date of birth ascertaining that he has declared his age to be 20 years as on 31-1-1973, but the management did not care to verify the same from the statutory Form 'B' Register of Benedih colliery or other statutory records, such as, the records maintained in CMPF. It appears that the officials of the Personal Department of the management are working in very reckless manner and they do not bother to maintain the statutory register like Form 'B' Register under Sec. 48 of the Mines Act, 1952 in ordinary course of business from the date when a workman joins to their colliery. The management has not even filed L.P.C. issued from the Benedih Colliery in which the date/date of birth of the workman is required to be mentioned. Thus, I find that the management has not been able to prove that at the time of entering into service the concerned workman has declared his age to be 28 years. The Form 'B' Register which has been produced by the management, has been prepared after long lapse of 14 years from the date of entering into service by the concerned workman. Therefore, such register cannot be relied upon. Furthermore, from the Identity Card issued by the management itself it appears that the age mentioned in the Identity Card is 20 years as on 31-1-73.

5. Therefore, I find that the action of the management in not referring to the concerned workman to Apex Medical Board for assessment of his age cannot be justified and further the action of the management in superannuating the concerned workman from service on the basis of Form 'B' Register prepared in the year 1987 is also not justified.

6. In the result, following award is rendered.

The action of the management of Sudamdih Shaft Mine of M/s. B.C.C.L. in denial to refer the case of Baleshwar Sao to Apex Medical Board for assessment of his age is not justified. The concerned workman is entitled to be referred to Apex Medical Board for assessment of his age and in case it is found by the Apex Medical Board that he has not attained the age of 60 years than in such event the concerned workman shall be entitled to be reinstated in service with full back wages and all other consequential benefits thereafter from the date of his superannuation by the management. Accordingly, the management is directed to refer the concerned workman to Apex Medical Board within 30 days from the date of publication of the award.

S. PRASAD, Presiding Officer

नई दिल्ली, 27 जुलाई, 2005

का.आ. 3049.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार

सी.सी.एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-I के पंचाट (संदर्भ संख्या 328/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं. एल-20012/298/2000-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 27th July, 2005

S.O. 3049.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 328/2000) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of CCL and their workman, which was received by the Central Government on 27-7-2005.

[No. L-20012/298/2000-IR(C-1)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. I, DHANBAD

In the matter of a reference U/S 10(1) (d) (2A) of
I.D. Act

Reference No. 328 of 2000.

Parties : Employers in relation to the management of
Jarangdih Colliery of M/s. C.C. Ltd.

AND

Their Workman

Present : Shri S. Prasad, Presiding Officer.

Appearances :

For the Employers : Shri D.K. Verma, Advocate.

For the Workman : Shri D. Mukherjee, Advocate.

State : Jharkhand.

Industry : Coal.

Dated, the 13th July, 2005.

AWARD

By Order No. L-20012/298/2000 (C-1) dated 22-11-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Jarangdih Colliery of M/S. C.C. Ltd., P.O. Kathara, Dist. Bokaro to dismiss Shri Ram Murty Singh, Ex-UDC from service is proper and justified? If not, what relief is the concerned workman entitled?"

2. The case of the concerned workman, Ram Murty Singh, is that he was working at Jarangdih Colliery of Kathara Area since long as permanent UDC with unblemished record of service. The management has served upon the concerned workman a false and frivolous chargesheet dated 16-7-97 in which it was alleged that the concerned workman by producing a fake certificate with false signature wanted to draw T.A. advance for going to Tata Memorial Hospital, Bombay. The concerned workman replied to the chargesheet denying the charges, but his reply was not considered and the management proceeded with an enquiry which was conducted in utter violation of principles of natural justice and the concerned workman has been held guilty without any basis and on that basis the concerned workman has been dismissed from service by dismissal order dated 24-9-99 under the purported signature of Chief General Manager, Kathara Area which is illegal. The concerned workman represented before the arrangement to reconsider and re-appreciate the evidence but the management did not take any step then the present dispute was raised.

3. The case of the management, on the other hand, is that the concerned workman, Ram Murti Singh, was issued a chargesheet dated 16-7-97 containing the allegation of producing a fabricated sanction letter dated 5/6-6-97 purported to have been issued from the office of CMS, CCL, Ranchi, before the Medical Superintendent, Jarangdih Colliery with a sole motive of drawing T.A. advance for going to Tata Memorial Hospital and draw false bill subsequently. The aforesaid letter contained the forged signature of the authority concerned and a fake reference number. As the concerned workman practised fraud and dishonesty in connection with the employer's business or property he was issued chargesheet calling explanation from him. The concerned workman submitted his reply dated 18-7-97 in which he decided the allegations levelled against him, simultaneously, expressing his regret for his conduct, and therefore an enquiry was constituted. The Enquiry Officer after issuing notice of enquiry held departmental enquiry in presence of the concerned workman and his co-worker. The concerned workman and his co-worker were allowed opportunity to defend himself. The enquiry was conducted keeping in view the principles of natural justice. The Enquiry Officer submitted his enquiry report dated 21-10-97 holding the concerned workman guilty of the charges levelled against him. The disciplinary authority examined the enquiry report and issued a show-cause notice to the concerned workman inviting his comments on the enquiry report. A copy of the enquiry report alongwith enquiry proceedings were supplied to the concerned workman alongwith notice of show-cause. The concerned workman submitted his representation dated 15-1-98 against the finding of the Enquiry Officer. The disciplinary authority after examining all aspects came to the conclusion to dismiss the concerned workman from his service and accordingly issued the order of dismissal as the misconduct committed by the concerned workman was grave and serious in nature. Therefore, the action of the management in dismissing the concerned workmen is fully justified.

4. The fairness of the domestic enquiry has been decided as preliminary issue and it has been held to be fair and proper vide order dated 29-3-2005.

5. Since the enquiry has been held to be fair and proper this Tribunal is to consider whether the finding of the Enquiry Officer is justified and whether the order of dismissal is just and proper under the provision of Sec. 11-A of the I.D. Act.

6. So far the question of finding of the Enquiry Officer is concerned, it appears from the evidence collected during the enquiry that the concerned workman has produced a sanction order purported to be issued from the office of the CMS, CCL, Ranchi. The date of issue of the said sanction order falls on a Sunday and there was cutting of the date also and on that basis the genuineness of the same is very much doubtful. The said sanction order has been brought on record and marked Ext. M-1. It is not denied that the said order has been produced by the concerned workman. The concerned workman has not asserted that the sanction order is genuine one, rather in his very reply to the chargesheet as mentioned that he is very ashamed and begged pardon. Therefore, the view taken by the Enquiry Officer holding the concerned workman guilty cannot be said unreasonable and unjustified.

7. The dismissal order of the concerned workmen has been passed by the Chief General Manager of Kathara Area, Kathara. MW-1, J. Baro who is the Personnel Manager posted at Kathara colliery of M/s. CCL, has admitted in his cross-examination that it is true that as per Certified Standing Orders of M/s. C.C.Ltd. the Chief General Manager is the Appellate Authority, Thus, the dismissal order has been passed by not the disciplinary authority, rather by the appellate authority. The learned lawyer for the workman has placed reliance in the case of Surjit Ghosh reported in 1995—Vol-I—LLN page 817 in which Hon'ble Supreme Court has been pleased to hold that where dismissal order is passed by the Appellate Authority it suffers from inherent defect as the appellant is deprived of right of appeal and review and for that reason the dismissal order must be set aside and the appellant (workman) is entitled for reinstatement with back wages. The same view has been taken by Hon'ble Patna High Court in case of Rama Kant Sharma Vs. Patliputra Central Co-operative Bank and others reported in 1999 (3) PLJR 47.

8. Therefore, in view of the inherent defect in passing dismissal order by the Appellate Authority i.e. Chief General Manager, the dismissal order must be set aside with a direction to reinstate the concerned workmen with full back wages.

9. In the result, I render following award :

The action of the management of Jarangdih Colliery of M/S.C.C. Ltd., P.O. Kathara, Dist. Bokaro to dismiss Shri Ram Murty Singh, Ex-UDC from service is not proper and valid and the concerned workman is entitled for reinstatement with full back wages. The management is directed to implement the award within 30 days from the date of publication of the award.

S. PRASAD, Presiding Officer

ई दिल्ली, 29 जुलाई 2005

का.आ. 3050.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तूतीकोरन पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 375/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-7-2005 को प्राप्त हुआ था।

[सं. एल-44011/2/2004-आई आर (बी-II)]

सी. गंगाधरण, अवसर सचिव

New Delhi, the 29th July, 2005

S.O. 3050.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 375/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the annexure, in the Industrial Dispute between the management of Tuticorin Port Trust and their workmen, which was received by the Central Government on 29-7-2005.

[No. L-44011/2/2004-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 26th April, 2005

PRESENT:

K. JAYARAMAN, Presiding Officer

Industrial Dispute No. 375/2004

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Tuticorin Port Trust and their workmen)

BETWEEN

The President,
Tuticorin Port Trust Democratic
Staff Union
Tuticorin

: I Party/Claimant

AND

The Chairman,
Tuticorin Port Trust,
Tuticorin.

: II Party/Management

APPEARANCE:

For the Claimant

: M/s. M. Ramesh &
N. Karunakaran,
Advocates

For the Management

: M/s. G. Dhamodaran &
J. Sathyavathi,
Advocates

AWARD

The Central Government, Ministry of Labour vide order No. L-44011/2/2004-IR (B-II) dated 14-06-2004 has referred this Industrial dispute to this Tribunal for adjudication. The Schedule mentioned in that order is:

"Whether the action of the Tuticorin Port Trust Democratic Staff Union on the issue of payment of injury pension to Sri S. Ramakrishnan against the management of Tuticorin Port Trust, Tuticorin is legal and justified? If not, what relief the workman is entitled to?"

2. After the receipt of the reference, it was taken on file as I.D. No. 375/2004 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement.

3. The allegations of the Petitioner Union in the Claim Statement are briefly as follows:—

The Petitioner Union espouses the cause of its member Sri S. Ramakrishnan, who was working as electrician grade II in the Electrical Division of Mechanical Engineering Department of the Respondent/Management. While the concerned employee was in service on 30-7-95, the Junior Engineer, Electrical Zone had asked him through phone to attend the repair work of pump installed at the Chairman's bungalow and the concerned employee Sri S. Ramakrishnan went to the Chairman's bungalow to attend the repair work. Since the tools available with him were not sufficient, he informed the same to the Junior Engineer, who advised him to take over the pump in his custody for immediate repair and the concerned employee Sri S. Ramakrishnan has taken over the same and he has gone to workshop to attend the repair for recondition. While attending the repair of pump, an unfortunate accident had happened to him and a bolt head snapped and hit on his left eye and hence he was hospitalised for treatment but due to severe pain, he was referred to Aravind Eye Hospital, where his left eye was removed. This accident was taken place on 30-7-1995. He is eligible to disability leave and other compensation as asked by him and he has applied for injury pension as per CCS (Extraordinary) Pension Rules, 1972. The employees and officers were in Central Govt. before formation of Port Trust. The management has denied the claim of medical reimbursement to fix an artificial eye on the ground that grant of medical advance for fitting artificial eye was not admissible as per CSMA Rules. But the CCS (Extraordinary) Pension Rules, 1972 provides to grant of injury pension whenever a person injured is continued in service is payable a capitalized value of injury pension as lump sum payment, according to the percentage of loss due to injury sustained when the man is on duty. Therefore, this provision has to apply to the concerned employee Sri S. Ramakrishnan who has lost left eye and it is 40% of disability attributable to service. The claim of the Democratic Staff Union on behalf of the concerned employee Sri S. Ramakrishnan, whose service and retirement condition is on par with the Central Govt. he is eligible to draw one time lump sum payment of injury pension as claimed before the Assistant Labour Commissioner (Central), who referred the same to the

Ministry and the Ministry has referred the same to this Tribunal. Hence, the Petitioner Union prays for an award for injury pension for loss of one eye without complications, the other being normal to which percentage of loss of earning capacity is 40% as per CCS (Extraordinary) Pension Rules, 1972. Sl. No. 25 of Appendix III and also prays to admit the claim as prayed for.

4. But, as against this, the Respondent/Management in its Counter Statement denied the allegations of the Petitioner Union that the concerned workman was called over through phone by JE/Elect/Zone-B on 30-7-95 and also emphatically denies the allegation regarding attending the repair work of motor pump installed in Chairman's house. It is also denied that the permission was given to the concerned employee to take over the pump to his custody. It is also denied that the alleged accident has taken place other than outside the working place and that day was a weekly off to the concerned employee. The Respondent did not know about the hospitalisation at that time. The concerned employee is a workman and he covers under the Workmen Compensation Act, 1923 and therefore, if at all he sustains any employment injury, the workman may approach the forum constituted under the provisions of Workmen Compensation Act, 1923. It is not an employment injury sustained out of and in the course of employment with the Respondent/Management. Admittedly, the accident took place out side the port area and therefore, the Petitioner cannot raise the dispute referred to this forum. Hence, for all these reasons, the Respondent pray that the claim may be dismissed with costs.

5. In such circumstances, the points for my determination are :—

- (i) "Whether the claim of the Petitioner Union on the issue of payment of injury pension to Sri S. Ramakrishnan is legal and justified?"
- (ii) To what relief the concerned employee is entitled?"

Point No. 1:

6. The issue involved in this case is very simple—whether the concerned employee Sri S. Ramakrishnan who is working as Electrician Grade II is entitled to injury pension for his injury which was alleged to have happened on 30-7-1995 while he was doing the repair work in the motor pump in the house of the Chairman.

7. It is the case of the Petitioner Union that the JE/Elect/Zone B on 30-7-95 has asked the concerned employee to repair the pump of the Chairman's bungalow and it was allowed by him to take over the pump from the Chairman's bungalow to do the repair work out of the premises. While he was doing the repair work, an unfortunate accident took place and due to this, his left eye was removed by the Doctor and this incident was also informed by the Junior Engineer, Electrical to the higher authorities orally and therefore, the concerned employee is entitled for injury compensation as per CCS Extraordinary Pension Rules. It is further contended by the Petitioner Union that due to the lapse on the part of the management staff, in preparing Forms C, D & E as per rule, the concerned employee should not be penalised. But no document was marked and no witness was examined on either side.

8. On the side of the Respondent, it is contended that the alleged accident allege to have been taken place on weekly off day i.e. 30-7-1995 and even according to the concerned workman, he had attended the work at the working place of his brother, that is outside the working place of the Port area. Therefore, it is not an employment injury sustained out of and in the course of employment with the Respondent/Management. It is the further contention of the Respondent that the Junior Engineer, Electrical, Zone B had never asked the concerned workman during the weekly off day and he never asked the concerned employee to take away the property of the Port Trust from the Chairman's house and it is only a fabricated version to suit his convenience. The Respondent further contended that if there is a special law provision for particular remedy, the general law shall not be applicable and therefore, if really, the concerned employee sustained any employment injury, he has to approach the forum constituted under the provisions of Workmen Compensation Act, 1923, which is a special law and not before this Industrial Tribunal under Industrial Disputes Act.

9. Therefore, in order to get the relief before this Tribunal, the Petitioner Union has to establish that the Respondent/Management's Junior Engineer, Electrical, Zone B had asked the concerned employee to repair the pump at the Chairman's bungalow in the weekly off i.e. on 30-7-1995, further, the Junior Engineer, Electrical has permitted the concerned employee to take out the pump from the house of the Chairman to do the repair outside the Port area. As I have already pointed out, there is no documentary or oral evidence produced before this Tribunal to substantiate their case. Therefore, I find this point against the Petitioner Union.

Point No. 2 :

The next point to be decided in this case is to what relief the concerned employee is entitled?

10. Since the Petitioner Union has not established their case before this Tribunal with sufficient evidence, I find the concerned employee is not entitled to any relief. No Costs.

11. The reference is answered accordingly.

(Dictated to PA, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 26th April, 2005).

K. JAYARAMAN, Presiding Officer

Witnesses Examined

On either side : None

Documents Marked

On either side : Nil

नई दिल्ली, 29 जुलाई, 2005

का.आ. 3051.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरिएण्टल बैंक ऑफ कॉमर्स के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चंडीगढ़ के पंचाट (संदर्भ संख्या

71/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-7-2005 को प्राप्त हुआ था।

[सं. एल-12012/265/95-आई आर (बी-II)]

सी. गंगधरान, अवर सचिव

New Delhi, the 29th July, 2005

S.O. 3051.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 71/97) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Oriental Bank of Commerce and their workman, which was received by the Central Government on 29-7-2005.

[No. L-12012/265/95-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH

Case No. I.D. 71/97

Miss Menu Vaid
Daughter of Shri G.D. Vaid,
Resident of 1149, Sector 8C,
Chandigarh

... Applicant

Versus

General Manager,
Oriental Bank of Commerce,
Hotel Shivalik View,
Sector 17, Chandigarh

... Respondent

Appearances :

For the workman : None
For the management : Shri C.M. Chopra, Advocate
proxy for Shri S.A. Sharma
with Shri O.P. Kadian
Manager Law.

AWARD

Passed on 19-7-05

Central Government, vide No. L. 12012/265/95-IR (B. II) dated 30th of December, 1996 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Oriental Bank of Commerce, represented through DGM, Hotel Shivalik View, Sector 17D, Chandigarh in terminating the services of Ms. Meenu Vaid clerk-cum-typist w.e.f. 23-2-1995 is legal and justified? If not, to what relief the workman is entitled to and from which date?"

2. None appeared for workman even at 3 PM. Management and their advocate request for returning this reference for non-prosecution as workman is not interested in prosecution of this case as despite two registered AD cover for 19-7-05 and 5-5-05 received continuously with the signatures of the workman but workman did not appear. Earlier on several dates also notices were issued to the workman and letter was also issued to the Legal Service Authority for providing advocate. But despite efforts made

by this Court the workman could not contest. She was unable to arrange advocate of her own. Court also ordered for an advocate of the Legal Service Authority without payment by her. But workman is not appearing despite service of the notices duly received by her. It appears that workman is not interested in prosecution of this case, which clearly appears from the last two AD covers which bears signatures of the workman in token of receipt of the notices for appearances on 5-5-2005 and 19-7-2005 and earlier also. In view of the above circumstances, when workman is not at all appearing despite receipt of the letters of this court for providing her advocate through Legal Service Authority free of cost, it appears that workman is not interested at all for prosecution of her case. In view of the same the reference is returned to the Central Government for want of prosecution, Central Government be informed. File be consigned to record.

Chandigarh

19-7-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 29 जुलाई, 2005

का.अ. 3052.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब एवं सिंध बैंक के प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ब्रम न्यायालय नं. 1, चंडीगढ़ के पंचाद (संदर्भ संख्या 124/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-7-2005 को प्राप्त हुआ था।

[सं. एल-12012/144/96-आईआर(बी-II)]

सी. गंगधरान, अवर सचिव

New Delhi, the 29th July, 2005

S.O. 3052.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 124/97) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab & Sind Bank and their workman, which was received by the Central Government on 29-7-2005.

[No. L-12012/144/96-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH

Case No. I.D. 124/97

Sh. Sarabjit Singh,
House No. 95-D,
The Mall, Amritsar

... Applicant

Versus

The Branch Manager,
Punjab & Sind Bank,
Bank Court Road,
Amritsar (Punjab)

... Respondent

Appearances :

For the workman : Shri O.P. Batra, Advocate
For the management : Shri I.P. Singh, Advocate

AWARD

Passed on 11-7-05

Central Government vide No. L. 12012/144/96-IR (B. II) dated 15th of May, 1997 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Punjab & Sind Bank, Amritsar in retiring Shri Sarabjit Singh, Clerk is legal and justified? If not, to what relief the concerned workman is entitled and from what date?”

2. Workman filed the claim statement making averments that he proceeded to U.K. on sanctioned leave w.e.f. 16-8-90 to 4-9-90 and thereafter on reaching U.K. the health of his wife took serious turn and he has to overstay there. The workman applied for extension of leave from time to time that due to serious condition of his wife, the workman was unable to resume duty and all the leave applications were supported with medical certificates.

3. The respondent management retired the workman from service from 16-5-1991 and the order is totally illegal, unjust and against the principles of natural justice, equity and fair play. Further no chargesheet was served. No enquiry was held and the order dated 16-5-1991 is void ab-initio as before passing the same no notice was given and no opportunity of hearing was given to the workman.

4. Therefore, the management was proceeded ex-parte and after recording of the ex-parte evidence of the workman evidence of the workman was closed by his counsel Shri O.P. Batra. Thereafter learned predecessor of this Court has set aside the ex-parte proceedings vide order dated 15-9-01 on the cost of Rs. 1000. The management therefore, could not file its written statement and proceeded with the cross-examination of the workman as WW1. The management also filed its affidavit of one Sukhdev Singh in evidence who was examined as MW1 on behalf of the management.

5. Thereafter final arguments were heard. Learned counsel for the workman Shri O.P. Batra vehemently submitted that it is a case where a great injury was done to the workman for about 5/6 months he was absent and overstayed in U.K. where his wife was very serious and thereafter the workman from time to time applied for extension of leave with medical certificates but he was retired from the service by the bank w.e.f. 16-5-91, the workman proceeded to UK on sanctioned leave for the period 16-8-90 to 4-9-90 and after reaching UK the health of his wife took serious turn and he has to overstay there. The respondent management illegally voluntarily retired workman w.e.f. 16-5-91 without serving any notice and without giving any opportunity to contest. No enquiry was held, no chargesheet was issued to the workman which is totally illegal and unjust and against the principles of natural justice, equity and fair play. He submitted that the management cannot say anything as there is no plea of the management and no written statement filed as the management was proceeded ex parte. The management has joined the proceedings at the evidence stage by filing affidavit of management's witness and also cross-examined the workman at length. Therefore, the workman has proved his case and also as there is no chargesheet, no enquiry was held and the workman was retired as voluntarily w.e.f. 16-5-1991, which is unjust, illegal and against the principles

of natural justice. He also referred a judgement of the Hon'ble Supreme Court 2001 Lab. I.C. Page 71. In M/s. Scooter India Ltd. Vs. M. Mohammad Yaqub. Learned counsel for the workman further submitted that in view of the judgment, the management did not follow the provisions of Section 25, the workman was terminated on overstay of leave. It was held by the Hon'ble Supreme Court that it can not result in automatic termination of service. Standing order providing for such automatic termination of service without affording opportunity of hearing to employee is bad. He submitted that as no notice was given, no enquiry was held, the voluntary retirement of the workman is totally illegal and void ab-initio. The reference may be answered in favour of the workman and he may be reinstated in service with full back wages and with continuity of service.

6. On the other hand learned counsel Shri I.P. Singh for the management submitted that it is correct that management written statement is not on record and that the management actively took part from the evidence stage and filed affidavit and produced management's witness MW1 Sukhdev Singh who totally shattered the case of the workman. While summing up his arguments Shri Singh submitted that written statement of the management is not on record but it is case which is not based on facts but based on rule and law. He firstly referred to the judgment referred by the workman and submitted that the judgment referred by the workman is not applicable to this case. He submitted that admittedly it was a case of over stay but the standing order provides for automatic termination of service on over stay without notice order thus was held void and illegal as it was held by the Hon'ble Supreme Court that standing orders providing automatic termination without affording opportunity is bad. But this judgment is not applicable to this case. He submitted that workman was afforded full opportunity and thereafter when he failed to attend duty despite notice, this action was taken which was provided under the rules and law. He referred to the Rule 17(a) & (b) of Chapter XVI (Voluntary Cessation of Employment by the employees). He submitted that as per this rule, where there is a provision of giving notice to the workman and if despite notice workman did not join service he would be deemed to be voluntary retired from service as taken. He also referred to the cross-examination of the workman who in cross-examination admitted that workman did not produce any medical certificate of his wife. Ex. W13 is the X-ray Slip Ex. W14 is the document which is a doctor prescription. He specifically admitted in his cross-examination that on 14-3-1991 further time was given X-ray slip is there but there is no X-ray report. There is no medical certificate advising rest and that the patient i.e. his wife can not travel. There is no certificate filed by the workman that his wife was ill but on the other hand two documents filed by the workman and produced as Ex. W2 dated 1-12-1990 and Ex. W3 10-1-1991. Their contents are under :

“Dear Sir,

Reg:—Extend leave for 90 days

Please extend leave for more 90 days that I am unable to join duties.

Thanking You

Dated 1-12-1990

Yours faithfully
S/D workman”

Ex. W3

"Dear Sir,

Received your letter and noted all contents. I may inform you that I am unable to join my duties because my wife's health is not good. Doctors advised her not to travel. Please extend my leave up to 13th April, 1991"

7. Ex W2 is an application wherein he stated that extend leave for 90 days. He is unable to join duties. Ex. W3 is the another application sent by the workman with reference to the letter of the bank. He informed that he is unable to join his duties because his wife health is not good, doctors advised her not to travel but no such certificate was sent to the bank or filed in the court even the photocopy. His two documents referred above, the workman is treating as medical certificates Exs. W8 & W9 are not medical certificates. During arguments his advocate Shri O.P. Batra admitted that except these two medical paper no medical certificate has been filed. These two medical papers are prescription slip for X-ray and another is a prescription in the name of the wife of the workman which is as under :

"This lady complains of severe headaches associated with vomiting for which she had to attend hospital recently and that had to be given an injection. I have send her for some investigations and will review her after a couple of months after I have received the results."

8. But papers of this hospital were not filed. This doctor further says that I have sent her in for investigation and review after a couple of months after I have received the results. There is no documents on the basis of which this document was made. The workman has taken a stand that his wife taken seriously ill because of this of about 261 days before his termination he could not come to India. He further submitted that in view of the order dated 16-5-1991 which is self explanatory he was treated as retired. Shri Singh further submitted that, Shri S. S. Soofi, workman applied for leave to go abroad which was sanctioned from 16-8-90 to 4-9-90. Later on he has sent the application for extension of leave with loss of pay on the basis of illness of his wife which was rejected vide office letter dated 9-4-1991. This letter was sent by registered post informing him that further leave can no be granted and he should join duties within 30 days of receipt of the said letter. Above named has already been given mandatory notice of 30 days in terms of clause 17 of the 5th Bipartite Settlement. It is relevant here that above named has already given undertaking in his representation dated 21-6-90 wherein workman has undertaken to report back on duty on the expiry of his sanctioned leave period i.e. 9-7-90 to 28-7-90 and has further undertaken that if he fails to report as aforesaid his name be struck off from the master rolls of the bank. There is shortage of staff in the B. O. Court Road, Amritsar and the unauthorized absence of Shri S. S. Soofi is hampering the bank business. Since the workman has exhausted his leave balance on 5-9-90 and had absented from duty for more than 150 consecutive days and in total 261 days and he has not reported for duties within the relaxed period stipulated by the management now the management is satisfied the above named has no intention

of joining the duty and above named is interested in extending his stay on one pretext or the other.

9. He also submitted that in evidence, the management witness in his affidavit on oath stated that workman was a habitual absentee. Earlier he went to U. K. and he also extended his period of stay and remained overstayed. He submitted that in para 7 of the affidavit it was not disputed by the workman who affirm the case of the management that workman was a regular absentee. He also submitted that further workman joined in April, 1994 after about four years and it clearly shows that he was gone for employment there and the management has rejected his extension application and workman did not join within 30 days of the notice.

10. It is also submitted by the learned counsel Shri I. P. Singh of the management that there was no requirement serving any charge sheet and conducting any enquiry regarding his unauthorized absence in terms of Bipartite Settlement. He further submitted that on record the only medical prescription filed by the workman are Ex. L, and M. On the basis of these two documents workman orally stated in his claim statement in order to prove that after reaching UK, the health of his wife took serious turn and that is why he overstayed there. These two medical documents Ex. L, & M and as per workman are Ex. W8 & W9 no where discloses that his wife was seriously ill which stopped the workman to join his duty in India. No prudent person on the basis of these documents can say that his wife was ill. Further about the serious illness he did not file any medical certificate. He also referred to a judgment of the Hon'ble Supreme Court AIR 2000 S. C 2198 and a judgment of our own High Court in 2001(1) S. C. T page 264 Roshan Lal Vs. State of Punjab. He submitted that as per the above judgments, termination of service on unauthorized absence in compliance of Bipartite Settlement is not the violation of principle of natural justice and voluntary retirement from service on the ground of absence when failed to join duty held not illegal. Hence management has prayed that retirement of workman by the management is legal and just and reference may be decided in favour of the bank.

11. In view of the above submissions of the learned advocates of workman and the management, I have found in not shell that the case of the workman is that reitring him from service without any notice, or without holding any enquiry is not just and legal on the ground that he could not attend his duties. That he proceeded on sanctioned leave for a short period of 16-8-90 to 4-9-90 for going to U. K. to see his ailing sister when health of his wife took serious turn and as such he has to overstay there and applied for extension of leave from there on the ground that no enquiry was held and no charge sheet was served and notice of voluntary retirement was given and the order dated 16-5-91 is void ab initio.

12. On the other hand, the management contentions are that workman is a habitual absentee and earlier also he over stayed in Landon. In the present case he was sanctioned earned leave from 16-8-90 to 4-9-90 for going to U. K. for seeing his ailing sister subject to his undertaking that he will not overstay there and in case of his overstay his services shall be treated as voluntary retired. The

management has made it elaborately clear in paras 7, 8 and of the affidavit of Sukhdev Singh Manager of the Bank and further that without any rhyme and reason workman overstayed for about four years and he did not return to India and his leave was not sanctioned and further not extended and he was duly informed about this. Thus case of the management is that in view of the provisions of the Bipartite Settlement, the workman is treated as voluntary retired from service. He submitted that workman did not join despite his undertaking and he is not entitled to any relief in view of the provisions of Bipartite Settlement and as held by the Hon'ble Supreme Court, order of retiring the workman is not bad.

13. The workman has submitted in arguments that he went to U. K. for seeing his ailing sister and there his wife fell seriously ill and doctors advised that she can not travel and that is why he did not come to India to join his duties. In support he filed only two medical papers which as per workman are Ex. W8 and W9 and as per management Ex. L&M. The entire case is based on these two documents that due to serious illness and medical advice of doctors his wife took seriously ill and can not travel and that is why he could not join his duties. These documents are not filed in original but photocopies sent and filed by the workman. In my view on persual these are not medical certificate. I have not found that these two documents contains the averments of the workman that his wife was seriously ill and that doctors advised her not to travel. The workman also did not file any other medical document to prove this contention and this fact has been admitted by the learned counsel for the workman during arguments that no such medical certificate filed by the workman in the court or with the management. Further the management's case is that workman was habitual absentee and remain also overstayed when he went to England and this time he returned to India after four years and he also filed Appeal dated 18-4-94 against the order dated 16-5-1991. I have also found that workmans claim based that his wife fell seriously ill and can not travel and he could not come to India to join and he also not filed any medical certificate. He mentioned in papers but did not file the same in the court or gave it to the management. In the other hand, the management filed Bipartite Settlement and submitted that as per Bipartite Settlement Rule 17(a) & (b) of Chapter XVI (Voluntary Cessation of Employment by the employees) wherein it is proved that management has to give a notice to the workman to join duty and if despite notice workman did not join service, he would be deemed to be voluntary retired from service as taken. And case of the mangement is that leave of the workman was not sanctioned and he was asked to join and after giving notice to join duty within 30 days and workman on receipt of the notice, workman did not join duty and order dated 16-5-1991 of voluntary retirement from service as taken was passed by the management. In reply to this contention, workman is silent in arguments. His simple contentions are that no notice was issued to the workman and he was illegally retired.

14. Workman also referred to a judgment i.e. 2001 (Lab 1C) page 71 in M/s. Scooter India Ltd. Vs. M. Mohammad Yaqub, The Hon'ble Supreme Court has

held that management retiring a workman without notice and order of automatic termination of service is bad. Standing orders provides for such automatic termination of service without affording opportunity of hearing to the employee is also bad. To this judgment referred by the wokman, management also relied on a judgment of the Hon'ble Supreme Court reported in AIR 2000 S.C. 2198 and before that submitted that the rules of the present management in this case i.e. Chapter XVI of Bipartite Settlement (Voluntary Cessation of Employment by the employees) provides for giving notice to the workman and if despite notice workman did not join only then he is deemed to be voluntarily retired from service as taken. However workman filed his appeal after four years against the order of retirement dated 16-5-1991 and in the present reference has challanged the order dated 16-5-1991 out of the management bank by which the management has retired the workman. Shri I. P. Singh learned counsel for the management referred the judgement Syndicate Bank's case referred above. I have gone through both the judgments of the Hon'ble supreme Court and I am of the considered view that judgment relied by the management is fully applicable to the facts and circumstances of this case as there is a provisions of notice before retiring a workman and such rules are not bad as it provide for notice before retiring the workman. In view of the above I hold that law referred by the management in the above referred judgement is fully applicable and action of the management of Punjab & Sind Bank in retiring the workman is legal and justified. I therefore, further hold that the action of the management of Punjab & Sind Bank, Amritsar in retiring Shri Sarabjit Singh Clerk is legal and justified and therefore, workman is not entitled to any relief. The reference is answered accordingly. Central Govt. be informed. File be consigned to record.

Chandigarh

11-7-05

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 29 जुलाई 2005

का.आ. 3053.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तूतीकोरीन पोर्ट ट्रस्ट के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 8/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-7-2005 को प्राप्त हुआ था।

[सं. एल-44011/3/2004-आईआर(बी-II)]

सी. गंगधरण, अवर सचिव

New Delhi, the 29th July, 2005

S.O. 3053.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 8/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the management of Tuticorin Port Trust, and their workmen, received by the Central Government on 29-7-2005.

[No. L-44011/3/2004-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI**

Friday, the 29th April, 2005

PRESENT :

K. Jayaraman, Presiding Officer

Industrial Dispute No. 8/2005

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Tuticorin Port Trust and their workmen)

BETWEEN :

The General Secretary, : I Party/Claimant
Tuticorin Port Employees' Trade Union,
Tuticorin

AND

The Chairman, : II Party/Management
Tuticorin Port Trust,
Tuticorin.

APPEARANCE :

For the Claimant : M/s. V. Balamurugan &
D. Rajaraman,
Advocates

For the Management : M/s. G. Dhamodaran &
J. Sathyavathi,
Advocates

AWARD

The Central Government, Ministry of Labour vide order No. L-44011/3/2004-IR (B-II) dated 08-12-2004 has referred this Industrial dispute to this Tribunal for adjudication. The Schedule mentioned in that order is :

"Whether the claim of the Tuticorin Port Trust Employees' Trade Union against the management of Tuticorin Port Trust, Tuticorin over the issue of regularisation of the services of Shri S. Tamilarasan, in the Grade of Engine Driver Gr. II from the date of initial appointment is legal and justified? If not, what relief the workman is entitled to?"

2. After the receipt of the reference, it was taken on file as I. D. No. 8/2005 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement.

3. The allegations of the Petitioner Union in the Claim Statement are briefly as follows :—

Prior to 1-4-79, there were two ports. On 11-4-74 the Central Govt. and the State Govt. decided to integrate both the minor port and major port and formed an integrated Major Port Trust under the Major Port Trusts Act, 1963 w.e.f. 1-4-79. By virtue of the extension of the provisions of the said Act w.e.f. 1-4-79, the employees of the Tuticorin

Port Trust were to be fitted suitably with wage revision committee pay structure as the case may be from their existing Central 3rd Pay Commission in scale of pay. The concerned employee Sri S. Tamilarasan was appointed as Engine Driver Grade II against a regular vacancy in the pay of Rs. 725-1287 by direct recruitment method as per the recruitment rules by an order dated 3-8-1984. According to the rules, the said post is to be filled by transfer failing which by promotion, failing both by direct recruitment and after three years services, he will be made regular. Since there was no candidate opted for transfer or promotion, the vacancy was filled up by direct recruitment. Therefore, even if there is any *ad-hoc* appointment to the above candidates, they will not be placed above the said Tamilarasan. While so, on 13-8-84 the respondent authorities who have been appointed as *ad-hoc* appointments superceding earlier orders are appointed to as regular, therefore, they have regularised 36 employees. Sri Tamilarasan who was regularised w.e.f. 13-8-84. Since his date of joining duty is 7-8-84, he should be given priority. Further, he was fixed in fifth position in the seniority. Therefore, he has raised a dispute before the labour authorities and on the failure of conciliation, the matter was referred to this Tribunal. Hence, the Petitioner Union prays that regularisation of Sri Tamilarasan is to be fixed from the date of appointment i.e. 7-8-1984 and his seniority is to be refixed as per rules.

4. In such circumstances, the points for my determination are :—

- (i) "Whether the claim of the Petitioner Union against the Respondent/Management over the issue of regularisation of services of Sri Tamilarasan in the grade of Engine Driver Gr. II from the date of initial appointment is legal and justified?"
- (ii) To what relief the concerned employee is entitled?"

Point No. 1 :

5. As I have already pointed out, the Respondent has not filed any Counter Statement to dispute the claim of the Petitioner Union. The Respondent remained absent and therefore, he was called absent and set *ex-parte*.

6. The Petitioner Union espouses the cause of one Sri S. Tamilarasan, who was appointed as Engine Driver Grade II on 7-8-84. They further alleged that including Sri Tamilarasan three persons have recruited for the same post by direct appointment. They alleged that since there was no candidate available from transfer or promotion as per the recruitment rules, the above said three persons were appointed to the said posts by direct appointment. The Respondent has not filed any counter Statement and they have not disputed all these things. It is further alleged that even if there is any *ad-hoc* appointment, they should not be regularised prior to appointment of direct appointment candidates. But, contrary to this rule, the Respondent/Management has regularised 36 employees who have been appointed on *ad-hoc* basis. I find there is some point in the

contention of the Petitioner further, the Respondent has not disputed this fact by filing their counter Statement. Therefore, I find this point in favour of the petitioner Union.

Point No. 2 :

The next point to be decided in this case is to what relief the concerned employee is entitled?

8. In view of my findings that the claim of the Petitioner Union is legal and justified, I find the concerned workman is entitled to the relief as prayed for by the Petitioner Union but without any Costs.

9. The reference is answered accordingly.

(Dictated to PA transcribed and typed by him. corrected and pronounced by me in the open court on this day the 29th, April 2005).

K. JAYARAMAN, Presiding Officer

Witnesses Examined :

On either side : None

Documents Marked :

On either side : Nil

नई दिल्ली, 1 अगस्त, 2005

का.आ. 3054.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, के. वी. आई. सी. प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर (संदर्भ संख्या सी. जी. आई. टी. 13/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2005 को प्राप्त हुआ था।

[सं. एल-42012/203/02-आई आर (सी-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 1st August, 2005

S.O. 3054.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. CGIT-13/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the Industrial Dispute between the management of Khadi & Village Industries Commission, and their workmen, received by the Central Government on 01-08-2005.

[No. L-42012/203/02-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-13/2003.

Reference No. L-42012/203/2002-IR (LM-II)

BETWEEN:

The Secretary,
Khadi Commission Karamchari Union,
C-9, Dev Nagar, Tonk Road,
Distt. Jaipur

... Applicant

Versus

1. The Director,
Khadi & Village Industries Commission,
Jhalana Doongari,
Jaipur (Raj.)

... Non-applicant

PERSENT:

Presiding Officer :

Sh. R. C. Sharma.

For the applicant :

Sh. Suresh Kashyap

For the non-applicant :

Sh. R. K. Sharma

Date of award :

08-7-2005

AWARD

The Central Government, in exercise of the powers conferred under clause 'D' of sub-sections 1 & 2(A) to Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act') has referred this industrial dispute for adjudication to this tribunal which runs as under :—

“क्या राज्य निदेशक, खादी एवं ग्रामोद्योग आयोग, झालाना डूंगरी, जयपुर के द्वारा 47 स्थानीय कर्मचारों को क्षतिपूर्ति भत्ता दिनांक 27-4-1976 एवं उनकी नियुक्ति तिथि से भुगतान नहीं करना उचित एवं वैध है। यदि नहीं तो सभी 47 कर्मचारी किस राहत पाने के हकदार हैं।”

2. It transpires from the record that the applicant-union has claimed that the workmen, 47 in total, who are the local employees of the border areas are also entitled to get the Compensatory allowance which was admissible to the employees of the plain area during their posting in the border/hill areas vide standing order No. 422 dated 30-1-1964. It has been alleged that the non-applicants have discontinued to pay them the compensatory allowance w.e.f. 27-4-76, which was allowed to them by the standing order No. 537 dated 13-5-1965.

3. The non-applicant, in his written counter, has denied the claim of the workmen by stating that they are not entitled to get the compensatory allowance on the basis of standing order No. 537 dated 13-5-1965, which was granted for an year and was not extended after the expiry of one year.

4. On the pleadings of both the parties, the following points for determination were framed :—

- (i) क्या प्रश्नांतर्गत सभी 47 श्रमिकगण, स्थानीय कर्मचारों के रूप में क्षति-पूर्ति भत्ता दिनांक 27-04-1976 से व उनकी सेवा में नियुक्ति के दिनांक से भुगतान प्राप्त करने के पात्र हैं ? —प्रार्थी यूनियन
- (ii) क्या क्लेम विलंब सं प्रस्तुत किये जाने के कारण पोषणीय नहीं है ? —विपक्षीगण
- (iii) अनुतोष ?

5. In the evidence, on behalf of the Union, KD Sharma, Secretary, has been examined as WW-1 and on behalf of the non-applicant, the counter-affidavit of MW-1 Kailashchandra Sharma, UDC was placed on the record. Both the witnesses were cross-examined by the respective opposite representative.

6. I have heard both the parties and have scanned the record. The point-wise discussion follows as under :—

Point No. 1 :

7. The Id. representative for the Union contends that vide standing order No. 422, the staffers of the plane areas,

who on being posted in the hill and desert areas, were given three advance increments on certain conditions and the non-applicant Commission started to give compensatory allowance to such persons who were posted in the hill areas. But by the standing order No. 537, it was considered that such compensatory allowance should also be given to the local employees in the hill and desert areas in case they are posted there. The Ld. representative further contends that all the 47 workmen are the local residents of border areas, to whom the admissibility of the allowance has been discontinued w.e.f. 27-4-1976 and the relevant standing order withdrawing this allowance issued by the Commission was disapproved by the Industrial Tribunal, Bikaner, the Hon'ble Single Bench as also the Hon'ble Double Bench of the Rajasthan High Court. The Ld. representative has relied upon the standing orders No. 422 and 537 and has contended that on the basis of these standing orders, the workmen are entitled to get the compensatory allowance from 27-4-1976.

8. Refuting these submissions, the Ld. representative for the non-applicant contends that *vide* standing order No. 422, the compensatory allowance to the residents of the plane areas was given during their posting in the hill/desert areas and by the standing order No. 537, this allowance was made admissible for one year to the local residents of the hill/desert areas also when they were posted in such areas. The Ld. representative further contends that by the standing order No. 1112, the standing order No. 422 was withdrawn which was challenged before the Industrial Tribunal, Bikaner and the claim of the Union was upheld by the Court. The award was also assailed by the Commission before the Hon'ble Single Bench and thereafter before the Hon'ble Double Bench, but it was upheld by both these Courts. The Ld. representative further adds that pursuant to the decision of the Hon'ble Court, the Commission by the standing order No. 1529 restored the standing order No. 422. But after making the compliance under Section 9-A of the Act in pursuance of the decision dated 17-1-97 passed by the Hon'ble DB, the Commission by its standing order No. 1591 had withdrawn the standing orders No. 422 and 1529. The Ld. representative concludes by arguing that in view of the standing order No. 422, the workmen are not entitled to get the compensatory allowance as this standing order was not applicable to them and that they were given this facility by the standing order No. 537, which was though not withdrawn by the Commission, yet the facility given to the present workmen was only for a period of one year, which was not extended after the expiry of one year.

9. I have bestowed my thoughtful consideration to the rival contentions and have scanned the record.

10. Now, the crucial question which crops up for consideration is whether the compensatory allowance is admissible to the workmen in question in view of the standing order No. 422 dated 30-1-64 (Ex. 2) and the standing order No. 537 dated 13-5-65 (Ex. 3)?

11. On behalf of the applicant-union two-fold contentions have been put forth, firstly, that the benefit of compensatory allowance was awarded to all the employees living in the plain areas as well as in the hill/desert areas, and secondly, that the effect of standing order No. 537 still continues.

12. The standing order No. 422 dated 30-1-64 (Ex. 2) says that considering the financial relief to the staff posted in the hill and border areas consequent on the intense development work taken up by the Commission, they will be given special compensatory allowance equal to three advance increments subject to a minimum of Rs. 10/- per month during their posting in such areas. When they are transferred to outside hill and border areas, the special compensatory allowance will be withdrawn. It further lays down that such officer and staffer would have to furnish an undertaking to the effect that he would agree to serve in those areas for a minimum period of two years.

13. Thereafter the Commission issued the standing order No. 537 dated 13-5-65 (Ex. 3) which says that the three advance increments will be applicable to the staff recruited locally in the concerned hill and border areas also w.e.f. 1-3-65 and shall remain in force for a period of one year from that date or till these orders are reviewed and revised, whichever is earlier. It appears that after issuance of both these standing orders, the Commission *vide* its standing order No. 1112 dated 27-4-76 discontinued the said allowance which was admissible to the officers and staffers by the standing order No. 422 dated 30-1-64. The standing order No. 1112 was challenged by the Union by way of filing the writ petition before the Industrial Tribunal, Bikaner, which by its award dated 21-1-91 upheld the claim of the workmen concerned. It further appears that the award was assailed by the Commission before the Single Bench by filing the writ petition, which was rejected and ultimately the Hon'ble DB by its order dated 7-1-97 upheld the award passed by the Industrial Tribunal, Bikaner as well as the order passed by the Hon'ble Single Bench. The Hon'ble DB has quashed the standing order No. 1112 withdrawing the compensatory allowance on the ground of the non-compliance of the provision under Section 9-A of the Act as the standing order was issued without giving a notice to the respondent Union. It also appears that pursuant to the decisions of the Hon'ble SB and DB respectively, the Commission had issued the standing order No. 1529 dated 1-3-96 whereby its standing order No. 422 was restored. It could not be disputed that after complying with the provision under Section 9-A of the Act, the Commission issued the standing order No. 1591 on 24-8-2000 whereby it had withdrawn the standing order no. 422 dated 30-1-64 and the another standing order No. 1529.

14. It, therefore, flows that the Commission by its standing order no. 1591 has only withdrawn the standing order no. 422 dated 30-1-64, which was applicable to the employees residents of the plain areas. But by this order,

the standing order no. 537 whereby the local staff of hill and border areas was also awarded the same facilities during their posting in the hill and border areas, could not be withdrawn. It, therefore, flows from the aforesaid facts that first, the standing order no. 422 was not applicable to the workmen in question and, second, that it has ceased to exist on issuance of standing order no. 1591.

15. Now, I am faced with the next question whether the workmen in question are also entitled to get the special compensatory allowance which was made admissible to them vide standing order no. 537 w.e.f. 27-4-76. Admittedly, the connected workmen had received this benefit till 26-4-76, but thereafter it was discontinued to them. The standing order no. 537, for the sake of convenience, is reproduced as below :—

"In modification of the standing order no. 422 dated 30th Jan. 64, the Commission has decided that sanction of the special compensatory allowance equal to three advance increments subject to a minimum of Rs. 10/- per month accorded there under will be applicable to the Staff recruited locally in the concerned hill and border areas also. These orders will take effect from 1st March 65, and shall remain in force for a period of one year from that date, or till these orders are reviewed and revised, whichever is earlier."

16. Evidently, by this order the special compensatory allowance was made admissible to the locals of the hill and border areas w.e.f. 1-3-65 for a period of 'one year from the date or till these orders were reviewed or revised, whichever is earlier'. It leads to infer that this facility was extended to the workmen for one year w.e.f. 1.3.65 or till the date such orders were reviewed, whichever is earlier. In the event of not reviewing or revising such orders or not extending this standing order on the expiry of the period of one year, the workmen who were benefited by this standing order, could not be entitled to get the special compensatory allowance. No evidence, documentary or verbal, is available on the record that this standing order no. 537 was extended after expiry of one year. On a close scrutiny of the documentary evidence available on the record this fact stands proved that this standing order was not extended even after the expiry of one year as envisaged therein. Therefore, the present workmen who were granted the benefit of special compensatory allowance by this standing order no. 537 are not entitled to further claim that the facility extended by the standing order no. 537 is admissible to them even today in the absence of any specific order extending its application. Therefore, the submission made on behalf of the applicant-union is not supported from the documentary evidence collected on the record and is found to be the meritless.

17. On a careful examination of the documentary and oral evidence, adduced by both the parties on the record,

the applicant-union has failed to discharge the onus on this point, which is accordingly decided against the Union and in favour of the non-applicant.

Point No. 11

18. The Id. representative for the non-applicant does not press this issue, which is decided against him.

RELIEF

19. For the foregoing reasons, the workmen in question are entitled to no relief.

20. In the result, the reference is answered in the negative against the applicant-union and in favour of the non-applicant and it is held that the workmen in question are not entitled to get the compensatory allowance w.e.f. 27-4-1976. So far as the second part of the reference as to whether they are entitled to get this facility from the date of their appointment is concerned, it has been the admitted case of both the parties that prior to 27-4-1976, the concerned workmen had received this benefit in view of standing order no. 537 and this part is answered to this effect. The claim of the Union is dismissed. An award is passed in these terms accordingly.

21. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 1 अगस्त, 2005

का.आ. 3055.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन.एफ.रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, गुवाहटी, असम के पंचाट (संदर्भ संख्या 8/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-07-2005 को प्राप्त हुआ था।

[सं. एल.-41012/57/2002-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 1st August, 2005

S.O. 3055.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 8/2004) of the Central Government Industrial Tribunal/Labour Court, Guwahati, Assam now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of N.F. Railway and their workman, which was received by the Central Government on 29-07-2005.

[No. L-41012/57/2002-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE**IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, GUWAHATI, ASSAM****Ref. No. 8 of 2004****Present :** Sri H.A. Hazarika, Presiding Officer
CGIT-cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between :

The Management of N.F. Railway, Tinsukia.

Vrs

Their Workman, represented by Sri B.K. Nandy.

Date of Award 21-07-05**AWARD**

1. The Government of India, Ministry of Labour, New Delhi vide its Notification No. L-41 012/57/2002-IR (B-1) dated 11th October, 2002 referred this Industrial Dispute arose between the Management of N.F. Railway, Tinsukia and their Workman Sri B.K. Nandy in exercise of power conferred by Clause-D of Sub-section 1 and Sub-section (2A) of Section 10 of the Industrial Dispute Act, 1947 for adjudication on the basis of the following :—

SCHEDULE

“Whether the action of the Management of N.F. Railway in denying to grant of the proforma fixation of pay in the promotional grades to Shri B.K. Nandy to extent of his junior, is justified? if not, what relief he is entitled?”

2. The matter was pending in the State Industrial Tribunal at Guwahati and on inception of this CGIT-Cum-Labour Court as per procedure the Proceeding (record) is transferred and this CGIT-Cum-Labour Court received the same on 8-12-04. On being appearances of both the parties, the matter is proceeded for adjudication and to pass Award here as per procedure.

3. The case of the Workman in brief is that the Workman Sri B.K. Nandy was appointed on 8-10-84 as Ticket Collector, N.F. Railway and posted on 6-11-84 under the Divisional Commercial Superintendent, N.F. Railway, Tinsukia.

4. That presently the Workman is functioning as TTE, Lumding under Divisional Railway Manager, Lumding to the extent of his junior.

5. That in the middle of 1989 the DRM(P), N. F. Railway, Tinsukia called option for filling up of 14 vacancies of Senior Ticket Collectors in the Scale of Pay Rs. 1200-2040 from the Junior Ticket Collectors working in the Scale of Rs. 950-1500 but before getting the option from serving Ticket Collectors the DRM (P), Tinsukia promoted 14 Junior Ticket Collectors to Senior Ticket Collectors vide order No. E/5/PT/11/81 dated 26-7-87. Out of these 14 Junior Ticket Collectors, 9 Junior Ticket Collectors were Junior to Workman Sri B.K. Nandy. The workman Sri B.K. Nandy was dropped from the benefit of promotion-whereas his

Junior became qualified for higher Scale of Pay as Senior Ticket Collector.

6. Before the Promotion order of his Junior Workman Sri B.K. Nandy was in the Special Squad as Junior Ticket Collector on Deputation and on consideration of his outstanding service he was allowed to work in the Flying Squad from August, 1987. While on Deputation he retained the lien in Tinsukia. At the time of consideration of Sri B.K. Nandy from his parent Division to work in the Special Squad on Deputation at Maligaon Headquarters under the exclusive control of CCM, N.F. Railway, he was given the assurance that his lien would be kept with the Tinsukia and he will get all promotional and service benefits of his parent division all through his work will be exclusively for the Headquarter Special Squad of N.F. Railway's Commercial Department for the cause and interest of the Railway Administration.

7. That Sri B.K. Nandy on being speared from HQ Squad and joined in Division as Junior T.C. was not offered promotion as Senior T.C. when his Juniors were promoted.

8. That subsequently though he was promoted to TTE and granted Seniority over his Juniors who were holding the Posts of Senior T.C. with protection of Pay. The action of the Management granting seniority to Nandy was out come of the acceptance of administrative lapse. That the Tinsukia Division realizing administrative lapse processed the file to the associate account for giving him benefit stepping up of Pay and the same was vetted by Account Wing and Nandy was denied stepping up of Pay.

9. That when he was not paid the arrear due to stepping up of pay he moved the CAT for such payments but N.F. Railway Administration took the plea stepping up of Pay was not admissible to him and such Provisions were withdrawn by the Railway Board.

10. Sri Nandy lost the case in the CAT and the Administration re-fixed his pay without any reference of the Administrative lapse such as by promoting Junior of Sri Nandi as Senior T.C. on adhoc basis without any lapse of the administrative lapse.

11. That in the seniority list published on 5-6-89 his name was apparent in Serial No. 40, whereas the name of Sunil Dewanji is apparent in Serial No. 47. But he is dropped in the Promotional list of 14 T.C.

12. That Management violated the Rules and Circular and Workman is denied the promotion to TTE in the list of 14 Junior TC promoted to Senior T.C. The Management did not redress his grievances though he filed representations. The matter was taken before A.L.C. (C) Guwahati for conciliation.

13. That the N.F. Railway Administration submitted in the conciliation proceeding held before the Assistant Labour Commissioner (C) were inconsistent to their own set of Rules. The submission was unfair, arbitrary, irregular, illegal and thereby deprived the Workman B.K. Nandy. The conciliation proceeding was failed and as such, the Workman prayed for an award for fixation of pay and proforma promotion.

14. The case of the Management in short is that the Management has not done any unfair, arbitrary or irregularities to the Workman Sri B.K. Nandy. The claim of the Workman is illegitimate and not entertainable as per Railway Provision.

15. That Workman Sri B.K. Nandy joined as Junior Ticket Collector at N.F. Railway Tinsukia Railway Station under Tinsukia Railway Division. After working as Ticket Collector at Tinsukia Railway Station he opted to work in flying Squad at HQ, Maligaon retaining lien of his parent post at Tinsukia Division.

16. While he was at Maligaon HQ functioning in Flying Squad some of his seniors as well as Juniors colleagues were promoted to the Post of Senior Ticket Collectors. Due to ignoring of some of the staff who opted to the post of TTE a dispute was arose. The scale of Pay of Senior Ticket Collector and TTE were same but option were sought from Junior Ticket Collector whether they will go to Senior Ticket Collector or TTE. The order passed by the HQ to promote irrespective of their choice was reviewed and after review the former status relating to promotion was maintained.

17. On 22-5-95 the Workmen who were opted earlier for the post of TTE were promoted to TTE. In the relevant list of promotion the name of Workman B.K. Nandy was also appeared. The claim of the Workman that some juniors to him were promoted is not true. Some of the staff who opted to TTE and subsequently promoted to Senior Ticket Collector on Ad-hoc basis were repatriated to post of TTE.

18. Some of the staff who opted to TTE and later on promoted to Senior Ticket Collector on Ad-hoc basis were repatriated to the post of TTE and as a result of that some of the juniors to the B.K. Nandy became higher. One of such Workman is Sunil Dewanjee. That there were two Wings one Traveling Train Examiner and other is Ticket Collectors. The TTE who used to check the ticket of the passengers while on running Train and Ticket Collector are to collect the Ticket at the Railway Station. As per Railway Boards Circular dated 12-12-91 it was clarified that the TTE those who are Senior Ticket Collectors for some reasons or others can not claim stepping up of Pay in the Grade of TTE to the extent of his Juniors. Hence, the Management prayed for dismiss the claim petition of the Workman without giving relief.

19. Heard the argument submitted by learned Advocate Mr. K.K. Biswas for the Workman and Mr. K.C. Sarma for the Management. Also perused the Written Argument submitted by them in support of their respective oral arguments. Also perused the Exhibits and the photo copies of the Case Laws submitted by Workman.

20. On careful study of evidence I find the Workman Sri B.K. Nandy after joining as Ticket Collector at Tinsukia Railway Station had opted to Maligaon Headquarter and joined in Flying Squad on deputation. While he was on deputation some of his junior were promoted to the Post of Senior T.C., for this promotion suitability test were held. It is found in the Cross-examination part of the MW-1 that

promotion was also based on Confidential Reports. It appears to me that Sri B.K. Nandy did not avail the chance called for option. I find in the Written Statement submitted by the Management that the Railway Board vide its Circular dated 12-12-91, it is clarified that those who had not worked as Senior T.C. for some reasons and others can not claim stepping up of Pay in the Grade of TTE to the extent of his Junior in view of the Railway Board letter the claim of stepping up of Pay of Sri B.K. Nandy was denied. It is also found in page 7 in para 4.14 of the W.S. submitted by the Workman and which is also put forward by the learned Advocate for the Management in the Written Argument that a case was lodged by the Workman in the Hon'ble CAT, which is dismissed. On perusal of Ext. 20, I find the stepping up benefit which was granted to Sri B.K. Nandy was later on cancelled. On perusal of Case Laws submitted by the Workman I find it is not befitting in the present facts and circumstances of the case of the Workman.

21. Under the above facts and circumstances, I find the action of the Management of N.F. Railway in denying the grant of Proforma Fixation of Pay in the promotional Grade to Sri B.K. Nandy to the extent of his Juniors is justified. I want to clear it that the Workman is not entitled for the relief of Proforma Fixation of Pay to the extent of his Junior in the present facts and circumstances of his case. He is not entitled to any relief. In the result, the Schedule is decided against the Workman with no relief award. In nutshell the Workman is not entitled for any relief.

Given under my hand and seal of this court on this 22nd day of July, 2005.

H. A. HAZARIKA, Presiding Officer

नई दिल्ली, 1 अगस्त, 2005

का.आ. 3056.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ, के पंचाट (संदर्भ संख्या आई.डी.182/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-07-2005 को प्राप्त हुआ था।

[सं. एल.-12012/304/2001-आई.आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 1st August, 2005

S.O. 3056.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 182/2001) of the Central Government Industrial Tribunal Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 29-07-2005.

[No. L-12012/304/2001-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, LUCKNOW****Present :** Shrikant Shukla, Presiding Officer

I.D. No. 182/2001

Ref. No. L-12012/304/2001-IR(B-I) Dated 11-12-2001

Between

Sri Raj Kumar S/o Sh. Sahdev,
Vill. Pathari, Post-Rar,
Distt. Kanpur (U.P.) 208001

And

The Chief Manager,
State Bank of India,
Industrial Finance Branch-B-13,
Sarvodaya Nagar Kanpur (U.P.)**AWARD**

The Government of India, Ministry of Labour, referred the following dispute to Presiding Officer, CGIT-cum-Labour Court, Lucknow for adjudication;

“क्या मुख्य प्रबन्धक, स्टेट बैंक ऑफ इण्डिया (इण्डस्ट्रियल फाइनेंस ब्रांच) कानपुर द्वारा श्री राजकुमार को दिनांक 27-8-2000 को सेना से पृथक कर न्यायोचित है? यदि नहीं, तो सम्बन्धित कर्मकार किस अनुत्प्रेषण का हकदार है?”

Worker Sri Raj Kumar's case is in brief is that he was employed in the State Bank of India (Industrial Finance Branch) Sarvodaya Nagar, Kanpur on 11-9-93 on the post of Peon. He has alleged that his work included the duties of Peon such as carrying ledger placing it, cleaning of the tables and placing the books at proper places besides carrying dak. He has also alleged that he worked from 11-9-93 to 26-8-2000 and during the period there was no break and he has worked more than 240 days in a year. Management of the bank terminated his services on 27-8-2000 without any reason. He was also not paid retrenchment compensation notice pay, etc. Worker has also stated is also that the Local Implementation Committee belongs to the Bank and the money is provided by the bank to the Local Implementation Committee, the president of which is Branch Manager and therefore the worker is employee of the bank. The worker has therefore prayed that the worker be treated in the continuity of service with all consequential benefits. He has also prayed that the worker should be given entire back wages.

Opposite party has filed its written statement. It is alleged by the bank that the worker never worked at any time in any capacity in the bank. It is further stated in the written statement. It seems that the claimant was working in the Canteen as Canteen Boy run by the Local Implementation Committee and was engaged by the Local Implementation Committee. The Local Implementation Committee is a separate distinct body from the bank. The bank has nothing to do with the supervision or day to day running of the said Canteen. It seems that the engagement

of the claimant was dispensed with by the Local Implementation Committee. These were the material facts which were suppressed by the claimant.

It is further alleged that the management of the bank has specific procedure of employment of employee in the bank and Raj Kumar was never a employee on the post of Peon or any other capacity. It is also alleged that there is no relationship of employee and employer between the parties. It is specifically denied that Raj Kumar was engaged by the opposite party during the period w.e.f. 11-9-93 to 26-8-2000. Since the worker was never employed there is no question of termination from service on issue of any show cause notice for the same. It is further submitted that the bank did not commit any wrong nor it believes or indulges in any unfair labour practice or exploitation. The opposite party bank is one of the best pay-master to its employees and adheres all the law and rules as prescribed.

Worker has filed following, documents (Photostat copies) as per list C-20.

1. Worker's letter dt. 12-10-2000. Paper No. 21/1
2. Worker's letter's postal receipt. Paper No. 21/2
3. Worker's letter dt. 12-10-2000. Paper No. 21/3
4. Worker's letter dt. 14-11-2000 with postal receipt. Paper No. 21/4
5. Worker's representation dt. 1/2-11-2000. Paper No. 21/5
6. Post receipt. Paper No. 21/6
7. Worker's representation 1/2-11-2000. Paper No. 21/7
8. Worker's letter dt. 14-11-2000. Paper No. 21/8
9. Statement of Salary of State Bank of India. Paper No. 21/9
10. Statement of Salary of State Bank of India. Paper No. 21/10
11. Statement of Salary of State Bank of India. Paper No. 21/11
12. Cheque issued to worker by State Bank of India dt. 9-7-93.
13. Payment's copy to worker dt. 9-7-93 (Photocopy Cheque Paper No. 21/12)
14. Payment to worker dt. 13-6-97. Paper No. 21/13
15. Payment to worker through credit note dt. 27-6-97. Paper No. 21/15
16. Payment to worker through credit note dt. 5-7-97. Paper No. 21/14
17. Payment to worker through credit note dt. 13-10-97. Paper No. 21/15
18. Worker's representation to Asstt. Labour Commissioner (C) Paper No. 21/16
19. Photographs five. Paper No. 21/17

Worker has filed affidavit A1-19 and C-20. Opposite party has filed the affidavit of Sri U.K. Misra, Asstt. General Manager, State Bank of India (Industrial Finance Branch) Sarvodaya Nagar, Kanpur. The worker has been examined by the representative of the opposite party on 25-7-03 whereas the representative of the opposite party has cross examined Sri U.K. Misra, AGM on 26-9-2003.

None appeared on behalf of the worker to argue the case on the date fixed for argument i.e. 21-12-04 and next date was fixed on 29-3-2005. On 29-3-2005 parties did not appeared and therefore there was no option to the court to order to the parties to file their written argument on 5-7-2005. On 5-7-05 also no argument was forwarded on behalf of any one and the worker adjournment application D-33 and therefore 20-7-05 was fixed for written argument.

On 20-7-05 Sri D.K. Pathak on behalf of the opposite party appeared and argued his case. Worker or his representative did not file his written argument or appear.

It is noteworthy that in the present case the evidence concluded on 26-9-03 and various dates were fixed for argument. But the worker or his representative never forwarded any argument.

Perused evidence on record and pleadings carefully.

Learned representative of the opposite party has argued that the worker Raj Kumar never employed/engaged in the State Bank of India (Industrial Finance Branch) Sarvodaya Nagar, Kanpur and he has not been paid salary by the bank.

The representative of the opposite party has stated that Raj Kumar was Canteen Boy of the Local Implementation Committee and he has been paid the remuneration through cheques. Sri Pathak has argued that it is well settled that the employees of the Canteen which are run in various branches of the State Bank of India by Local Implementation Committee as per Welfare Scheme framed by the State Bank of India will not become employees of the State Bank of India as the bank is not having any statutory control or contractual obligations or obligation arising under the award to run such canteens. The opposite party has relied on AIR 2005 Supreme Court 1518 between State Bank of India and others Vs State Bank of India Canteen Employees Union and others. He has read out the following extract :

“Employees of the Canteens which are run at various branches by the Local Implementation Committee as per Welfare Scheme framed by the State Bank of India would not become employees of the State Bank of India as the bank is not having any statutory or contractual obligations or obligation arising under the award to run such canteens”.

Documents paper No. A1-21/1 application of Raj Kumar dt. 12-10-2000 its copy paper No. A1-21/3, application dt. 14-11-2000 paper No. 21/4, application dt. 1-11-2000 paper No. 21/5 its copy paper No. 21/7 and application dt. 14-11-2000 paper no. 21/8 or the applications of the workman addressed Branch Manager, State Bank of India (Industrial Finance Branch) Kanpur these applications are the own statement of the worker. Paper No. 21/2 and

21/6 is photocopy of postal receipt. These documents do not prove the worker's case. Paper No. 21/9 is the Staff Welfare Account No. 01044098511. This document is the photo copy which shows the payment of Rs. 50 to Raj Kumar and similar is document paper No. 21/10 and 21/11. All these documents shows the payments have been made through cheque to the Raj Kumar from Staff Welfare Fund. Paper No. 21/12 is photo copy of cheque dt. 9-7-93 amounting to Rs. 117. Paper No. 21/13 to 21/15 is credit/debit memos Paper Nos. 21/17 is photo copy of the photo.

Worker has admitted in the cross examination that he was not given any appointment letter. He has also admitted that there is no advertisement regarding the vacancy nor he appeared in any exam. He has also admitted that he did not receive any salary slip nor his P.F. was deducted. According to the prescribed rules in the State Bank of India, if there are vacancy of post are advertised in the newspapers. Applications are invited besides requisition is sent to the Employment Exchange for forwarding the names of the persons suitable for employment. But in the present case it is not proved by the worker that he went to recruitment process. In absence of any appointment letter. It cannot be said that he was properly recruited peon in the bank.

The opposite party has invited the attention of the court on paper No. 21/15 which is photo copy of the debit boucher in this document it is clearly mentioned that the payment of Rs. 500 is made to the Raj Kumar as Canteen Boy for reimbursement of SI Auditor. The representative of the opposite party is also invited the attention of the court on paper No. 21/9 and 21/10 filed by the workman. In the said paper it is clearly written on the top of the statement as “Salary of the Canteen Boy” therefore on the basis of the worker's own document is prove that the worker has been paid the salary as Canteen Boy from the year 1993. Further he has stated in his cross examination “वह तो कैटीनबॉय लिख ही देते हैं।”

This document is not new which could have been manipulated by State Bank of India. The inference drawn therefore is that worker has been received salary as canteen boy. On the other hand the witness Sri U.K. Misra appeared in the court along with register of Local Implementation Committee which shown the payment made to Raj Kumar through cheque as remuneration. The witness has admitted that the stationery used by the Local Implementation Committee belongs to State Bank of India but the same has been used by the Staff Implementation Committee. Since the witness was not posted in the bank prior to Oct. 2002 therefore he could not be expected to tell who is the President of the Local Implementation Committee in 1993 accordingly he has shown his unawareness is cross examination but stated that the person who is not nominated by the Secretary of State Bank of India Staff Association become the Secretary of the Local Implementation Committee. He has also stated that Implementation Committee has its own Constitution however he said that he was not aware of the facts. He has specifically denied that Raj Kumar was ever employed by the State Bank of India. From the evidence on record it is not proved that the worker was employed by the

State Bank of India instead it appears that he was Canteen Boy which is run by the Local Implementation Committee.

In the present case president or Secretary of the Implementation Committee has not been impleaded and he has also not sought any relief against them. It appears that the under the garb of his service in the canteen run by the local implementation committee he has tried to gave back door entry in the bank. I have perused to AIR 2000 Supreme Court 1518 State Bank of India and others Vs. State Bank of India Employees Union Bengal Circle and others; "The Sastry Award with regard to the canteen facility is not confined to only employees of the State Bank of India. Secondly, it deals with the contention that option should be given to the employees for opting for pre-existing facilities and the Award makes it clear that individual option should be given with regard to items Nos. 1 to 4 namely, pay dearness allowance and other allowances, PF gratuity and pension and bonus. However, no option should be given with regard to the service conditions for leave rules, working hours and overtime, other conditions and amenities except as otherwise provided for in the award. This would not mean that paragraph 609 of the Award cast any obligation that amenities, such as canteen, club-house payment of taxes etc. must be provided by the bank. No part of the Award makes it obligatory for the bank to provide canteen facilities by running a canteen. Award only mentions what type of amenities could be or were provided by various banks and for that it has been stated that canteen, club-house payment of taxes etc. would be such amenities for which no option can be given to the employees, meaning thereby if canteen facilities or other amenities are provided by the Bank no choice to individual employee is to be given because as stated in the award there are certain service conditions which cannot be valued in terms of money. It nowhere mentions that banks shall provide canteen to its staff. Therefore it cannot be accepted that the paras 608 and 609 of Sastry Award cast an obligation on the SBI for running Canteen."

"Employees of canteens which are run at various branches by the local implementation committees as per the welfare scheme framed by the SBI would not become employees of the bank as the bank is not having any statutory or contractual obligation or obligation arising under the Award to run such canteens."

"The canteens run by the local implementation committee (LIC) as per scheme framed by SBI for providing certain amenities in a branch having strength of less than 100 employees are non statutory non recognised canteens because admittedly there is neither statutory provision nor any obligation arising out of award or contract between the employees of the Bank in running such canteens. The 4th settlement was arrived at between All India SBI Staff Association and the bank which *inter alia* provides that bank will take over canteens from local implementation committees concerned at such office branches having a minimum staff strength of 100 where the canteens are still being run by the committees. Hence, contractual obligation is limited to that extent. For that the canteens run by the committees there is no question of its recognition by the

SBI as in the case of recognised canteens in the Railways where Railways Board granted recognition to the canteens as per prescribed detail in the Railway Establishment Manual. On the contrary, the status of canteens run by the local implementation committees would be non statutory non recognised canteens. The employees of such canteens were not under the control of the Bank and their appointments are not governed by any rules framed by the SBI."

"There is no obligation statutory on otherwise to run the canteens by the bank. The scheme as stated only provide for grant of subsidy, for promoting running of canteen and if some more cost is incurred in running the canteen the members of the staff working in that particular branch are required to bear it. Bank is not employing the canteen workers. The bank is not supervising or controlling the work or the details regarding the canteen or its employees appointed by the Local Implementation Committee—Whether subsidy given by it is properly utilised or not, also would not be a ground for holding that bank is having any control in running the canteen. Bank is not taking any disciplinary action or directing any canteen employee to do the particular work or for that purpose no scheme is laid down by the bank. Not only this, the other most important aspect is the recruitment by the bank is to be made as per the statutory rules framed by it after giving proper advertisement, test and/or interview. As against this, for appointing a canteen employee there are no rules framed by the bank. The clause which provides that canteen should be run on no profit no loss basis also makes it clear that subsidy provided is only to the extent of funds made available and that concerned members of the LIC would ensure that articles are purchased on cash payment and no liability is incurred from any source. It has nothing to do with the running of the canteens by the bank. It is part of scheme which provides how efficiently the LIC should run the canteens. "Further there is no question of lifting veil to find out real situation. The scheme framed by the bank is crystal clear. It provides that bank shall promote certain welfare activities for the benefits of its employees. One of the such welfare activities is promotion of canteen facility. There is a vast difference between promotion and providing. Further whether bank should provide canteen facilities in a branch having staff strength of 100 or more employees on the basis of bipartite agreement between the Bank Management and All India State Bank Staff Federation, is a matter of policy decision and may depend upon viability and other factors or running of such canteens at other branches. It is for the bank to decide in which branches canteen facilities should be provided and not by the employees of the canteens run by the Local Implementation Committee."

"Even if LIC consists of employees of the bank and those employees are directly under the control of the bank. It cannot be held that bank is the employer of the persons working in the canteens.

On the discussions above I come to the conclusion that Raj Kumar is not employee of State Bank as alleged by him and there is no relationship of employee and employer between parties.

In the circumstances, I come to the conclusion that since Raj Kumar was not employed by the management of State Bank therefore there was no question of termination and issue is accordingly answered. The worker is not entitled to any relief.

Lucknow SHRIKANT SHUKLA, Presiding Officer
22-7-2005

नई दिल्ली, 1 अगस्त, 2005

का.आ. 3057.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी.आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नम्बर-1, धनबाद (संदर्भ संख्या 37/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2005 को प्राप्त हुआ था।

[सं. एल-22012/139/97-आई आर (सी-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 1st August, 2005

S.O. 3057.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 37/1998) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad No. 1, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of FCI and their workmen, which received by the Central Government on 1-08-2005.

[No. L-22012/139/97-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference U/s. 10(1)(d) of I.D. Act, 1947.

Reference No. 37 of 1998

Parties : Employers in relation to the management of Food Corporation of India Ltd.

AND

Their Workman

Present : Shri Serju Prasad
Presiding Officer

Appearances :

For the Employers	:	None
For the Workmen	:	None
State : Bihar	:	Industry : Food.

Dated, the 19th July, 2005.

AWARD

1. By Order No. L-22012/139/97-IR (C-II) dated 30-7-98 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of

sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of FCI, Patna in demoting Sh. Vijendra Kumar from AG. II(D) to previous grade without any sufficient cause is legal and justified? If not, to what relief the workman is entitled?”

2. This reference case was received in this Tribunal on 10-8-1998. Despite sending registered notices to the parties, none is appearing on behalf of the workman for filing written statement. It therefore appears that neither the sponsoring union nor the concerned workman is interested to contest the case.

3. Under such circumstances, I render a ‘No Dispute’ Award in the present reference case.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 1 अगस्त, 2005

का.आ. 3058.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टैंडर्ड चार्टर्ड बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या आई.डी.26/28) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-07-2005 को प्राप्त हुआ था।

[सं. एल-12012/84/97-आईआर (बी-I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 1st August, 2004

S.O. 3058.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 26/98) of the Central Government Industrial Tribunal/Labour Court I, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Standard Chartered Bank and their workman, which was received by the Central Government on 29-07-2005.

[No. L-12012/84/97-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

Presiding Officer : SHRI S. S. BAL

I. D. No. 26/98

In the matter of dispute between :

Shri Anand Sharma,
R/o 1/3097, Loni Road,
Kunj Gali, Ram Nagar,
Shahdra, Delhi-32

... Workman

Versus

The Sr. Manager (HR),
Standard Chartered Bank,
Parliament Street, New Delhi-1. ... Management

APPEARANCES:

Shri K.L. Sethi A/R for the Management.

Shr Dinesh Madan A/R for the Management.

Shri J. Buther A/R for the workman.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/84/97-IR (B-I) dated 29-12-97 has referred the following Industrial dispute to this Tribunal for adjudication:

“Whether the action of the management of Standard Chartered Bank in terminating the services of Shri Anand Sharma, Canteen Caretaker/Manager engaged in their canteen w.e.f. 23-1-96 is just fair and legal. If not, what relief the concerned workman is entitled to and from what date?”

2. Brief facts as culled from the record are that the workman claimant Anand Sharma was appointed by the respondent opposite party, Standard Chartered Bank on 11-1-93 as a Canteen Caretaker under the director of Control Supervision of the Opposite Party and he discharged his duties satisfactorily, diligently and honestly. He was given Rs. 1800 PM in lump sum and later on the same was increased to Rs. 2000 and Rs. 2100. Certificate was also given to this effect by the management to the workman. It is further that the workman's services were illegally terminated from 21-1-96 without any justification and proper cause illegally, arbitrarily against the principles of natural justice. It is further stated that workman also issued demand notice but of no use. Conciliation proceedings were also initiated before the Conciliation Officer, Curzon Road, New Delhi but the management did not appear before the conciliation officer and did not pay head and the conciliation proceedings proved on abortive and resulted in the present reference and the workman was not paid his earned wages and the action of the management is in violation of the provisions of law as he was not paid any notice, notice pay or any compensation. He further claims that he be reinstated with full back wages and consequential benefits and continuity of service and other consequential benefits and promotion etc.

3. The case has been contested by the management by filing written statement. He was never employed by the bank and his services were utilised by the staff canteen as no relationship of employer and employee between the claimant and the bank as the claimant was never employed by the bank as claimed and he was not the employee of the bank and is not the workman in terms of Section 2(s) of the I.D. Act, 1947. The order or reference is, therefore, incompetent and bad in law and the same has not been made by appropriate government as defined in Section 2(a)(i) of the I.D. Act, 1947 and has been made mechanically without application of mind. It is stated that the services of

the workman were utilised by the Standard Chartered Bank Canteen and the same was closed on 11-9-97 and services of the employees working in the canteen had come to an end on account of closure. Claimant is not, therefore, entitled to any relief. On merits it is stated that respondent bank has provided a portion of the premises in the basement at 17, Sansad Marg, New Delhi to the Standard Chartered Bank Staff Canteen for the purpose of running a Canteen for the welfare of the staff members five staff members of the Bank namely M/s. P.G. Nair, Harpal Singh, Uma Kant Singh, P.K. Khanna and Pawan Khanna were the members of the Canteen Committee. All these staff members are members of the Chartered Bank Employees Union and are governed by the Settlements and the Awards. Canteen was supervised and controlled by members of the committee. The members of the canteen committee were nominated by the Chartered Bank Employees Union. No union representative of the management/bank was the member of the canteen committee. The canteen has a separate Bank Account which was operated by these five staff members and claimant was employed by the canteen committee and not by the bank (respondent). The attendance record of the claimant was being maintained by the canteen. The salary to the claimant and other employees working in the canteen was paid by the canteen from their own funds. Employees working in the canteen were directly under the supervision and control of the committee of the Chartered Bank which did not have any supervision or control on the employees engaged in the canteen. The bank is under no legal obligation to provide a Canteen. The terms and conditions of engagement and payment of wages etc. etc. to the Claimant and other employees who were working in the Canteen were exclusively within the domain of the Canteen Committee. The bank had absolutely no say or control in the matter. It was the discretion of the Canteen to engage any person and/or to terminate his services. The Chartered Bank Staff Canteen remained in operation for many years. It is further stated that the bank maintains proper attendance salary and other statutory records in respect of all the employees engaged by the bank. Letters of appointment are issued to the employees and the employees are given all the benefits under the various Settlements and Awards besides other statutory benefits. The name of the claimant does not appear in any record of the bank obviously because the claimant was never employed by the bank. Claimant was not getting any benefits or privileges which are available to the staff members of the bank. It is further stated that the bank has a Union by the name and style of the Chartered Bank Employees Union which is operating in the various branches of the bank in NCT, Delhi. Majority of the employees in the workman category are members of the Chartered Bank Employees Union. It is also stated that the Union had made certain complaints to the NDMC and various other Authorities that the Bank was using the basement of its main branch at 17 Sansad Marg, New Delhi against the Bye-laws of the Corporation and on the basis of the complaints team of the officials from the office of Lt. Governor and various other Authorities visited the premises of the Bank at 17 Sansad Marg, New Delhi on 11-9-1997. The Union Leaders took the Government officials to the

basement for inspection of the premises and the government officials on inspection pointed out that running of canteen should be stopped forth with in the basement of the premises of the bank. The respondent Bank communicated the decision to the members of the Canteen Committee and in view of this services of all the 8 claimants employed by the canteen were not required by the Canteen and their services stood terminated on account of discontinuance of the Pantry/Canteen services. It was in fact for all practical purposes closure of the Canteen/Pantry services and the services of all the employees engaged by the Canteen Committee had in fact come to an end on account of closure of the Canteen. The averment of the claimant that bank issued him certificate is incorrect the same had been issued by Chartered Bank Staff Canteen and not by the bank. The claim of the claimant is wrong, misconceived and denied. The claimant was never in the employment of the Bank and as such question of termination by the bank on 23-1-96 or on any other date could not and did not arise. All other contentions raised by the claimant are baseless and irrelevant and misconceived wrong and denied. The contents of claim statement are wrong and denied. It is stated that dispute raised is misconceive and the claimant is not entitled to the relief claimed. It is specifically stated that claimant was employed by Chartered Bank Staff Employees Canteen on 11-9-97 and the demand of the Claimant for reinstatement is not tenable and the claimant is not entitled to any relief such as reinstatement full back wages and any other relief or consequential benefits as claimed and the award is sought to be passed, against the claimant and in favour of the management.

4. Written statement was followed by replication wherein contents of the claim statement were reiterated to be correct and controverted part of written statement were denied.

5. Evidence was adduced by both parties.

6. Following issues were framed :

1. Whether there existed employer and employee relationship between the claimant and the management respondent?
2. Whether Anand Sharma is workman as defined in section 2(s) of the I.D. Act.
3. Whether order of reference is incompetent and bad in law for the reason stated in preliminary objection No. 2 and 4 of the written statement filed on behalf of the bank?
4. As per terms of reference.

7. Workman was proceeded exparte on 3-5-2001 and no evidence was adduced on behalf of the workman and however, evidence was adduced on behalf of the management by filing affidavit of Shri Alok Mehra wherein he has averred that the bank has no control over the Canteen in question opened in the basement portion by the staff members of the branch and the affairs of the canteen were managed by the staff members who had appointed M/s. P.G. Nair, Harpal Singh, Uma Kant Singh, P.K. Khanna and Pawan Khanna as the members of the Chartered Bank Staff

Canteen at Sansad Marg Branch New Delhi. There is no evidence or material on record that respondent management has any control over the affairs of the management. There is no evidence or material to conclude that the canteen in question was a statutory canteen i.e. opened under the provisions of the Banking Act or by the respondent management for the convenience of the staff members. No evidence has been led on either sides. There is no evidence that the respondent management terminated services of the workman Anand Sharma as on 23-1-96 or on any other date. In the absence of any evidence it is difficult to find that there exists any relationship of employee-employer between the workman Shri Anand Sharma and the management bank or Anand Sharma is the workman as defined in section 2(s) of the I.D. Act, 1947. There is also no evidence that the standard chartered bank terminated the services of claimant or workman Anand Sharma Canteen Caretaker/Manager on 23-1-96. Workman claims that he was employee of the bank as the canteen was opened by the bank. Burden to establish issue No. 1 was on the employee but he has failed to prove the same and there is no evidence to prove this issue that there existed employer employee relationship between the claimant and the respondent management. This issue is decided accordingly for want of evidence. There is no evidence that the respondent terminated services of the applicant. Rather the bank claimed that canteen was managed by bank employees and the same was closed on 11-9-97 or thereafter. The reference appears to be bad in law if the averment of the respondent is assumed to be correct. The 'No Dispute' award is accordingly passed for want of evidence on either side.

Dated : 4-7-2005

S.S. BAL, Presiding Officer

नई दिल्ली, 1 अगस्त, 2005

का.आ. 3059.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट (संदर्भ संख्या 90/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2005 को प्राप्त हुआ था।

[सं. एल-40012/155/94-आई आर(डीयू)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 1st August, 2005

S.O. 3059.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 90/96) of the Central Government Industrial Tribunal/Labour Court Kanpur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 1-8-2005.

[No. L-40012/155/94-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE SRI SURESH CHANDRA PRESIDING
OFFICER CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
SARVODAYA NAGAR, KANPUR, U.P.**

INDUSTRIAL DISPUTE NO. 90 of 96

In the matter of dispute between—

Sri Vishram
C/o M. Shakeel
I. Abdul Aziz Road
Lucknow.

AND

The General Manager
Attentiaon A.E. (Legal)
Telecom.
Gandhi Bhawan Shahid Marg
Lucknow.

AWARD

1. Central Government Ministry of Labour, New Delhi vide its notification No. L-40012/155/94- IR (DU) dated 24-9-96 has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of General Manager Telecom, Lucknow in terminating the services of Sri Vishram is legal and justified? If not to what relief the said workman is entitled?”

2. The case is short of the workman is that he was working as unskilled workman at Telephone Industry Gandhi Bhawan w.e.f. Jan. 91 against the post of Gardener a permanent post. It is further alleged that the workman has already worked more than 240 days continuously without any break and that the management due to malafide intention as unfair labour practice have not regularised the services of the workman even after completion of 240 days of continuous service and treated the workman as casual labour and paid his wages on daily rate basis with a view to deprive the workman to get his wages on the principles of equal pay for equal work. The workman orally as well as in writing made request/representations to the General Manager for payment of his wages on the basis of equal pay for equal work but all in vain.

3. It has further been alleged by the workman that the General Manager of opposite party terminated the services of the workman w.e.f. January 1992 without any notice, without any chargesheet, without any enquiry, without any retrenchment compensation or notice pay in absolutely arbitrary manner and that as a matter of no seniority list was prepared before terminating the services of the workman and thus the principles of last come first go has been breached and also that new hands were appointed without affording any opportunity to the workman for re-engagement in the services of the management. It is further alleged that the workman against which the workman was engaged is still in continuation under the management and the workman remained unemployed after termination of

his service and that the actual working days of the workman w.e.f Jan 91 to Jan 92 are more than 240 days. On the basis of above allegations it has been prayed that the workman be reinstated in service with full back wages and other benefits for his past service.

4. In the instant case of statement of claim has been filed on 20-2-97 by the workman whereafter 18-3-97 was fixed as date for filing written statement by the management. None appeared on the date fixed from the side of the management nor any application for adjournment was moved nor written statement was filed in the case. The case was listed for hearing on 18-3-97. Again the case met with same fate as on 20-2-97. However notice was ordered to be issued to the management. From the record it is obvious that office of the tribunal issued registered notice to the management by registered post to the management intimating date 2-5-97 as a date fixed in the case for filing written statement in the case by the management. Again on 2-5-97 when none appeared from the side of the management in the proceedings of the case, management was again granted time upto 5-6-97 as last opportunity for filing of their written statement in the case.

5. Case was taken up on 5-6-97 whereas workman appeared in person none appeared from the side of management nor any reply to the statement of claim of the workman was filed on their behalf. Case was listed on 26-6-97 for the evidence of the workman and again none appeared from the side of the management and on the oral request of the workman case was adjourned to 17-7-97. As workman failed to put his appearance in the case he was debarred from adducing evidence on 17-7-97. On the application of the workman moved on 7-8-97, workman was permitted to adduce his evidence and one document was filed by the workman on that date, and the case was listed for hearing on 9-9-97. Workman adduced his evidence on 9-9-97. It to be noted that none appeared on behalf of the management on 9-9-97. After hearing arguments of the workman, tribunal rendered its award in favour of the workman on 2-12-97 which published in the gazette on 15-12-97 by Ministry of Labour, New Delhi.

6. The management in the instant case on 3-4-98 moved an application for recall of award dated 2-12-97, upon which notice to the workman was issued by the tribunal and after hearing the parties, the tribunal vide order dated 6-7-98 set aside the exparte award dated 2-12-97 subject to payment of cost as Rs. 100/-. Again case was listed for filing of written statement on 13-3-98. No written statement in the case was filed by the management till 20-8-98 when the case was listed for 15-9-98 for documents. on application of the management the case was adjourned to 25-9-98. As no documents were filed case was listed for 22-10-98 for evidence of the workman. On 22-10-98 representative for the management appeared in the case and sought permission of the tribunal for filing written statement by moving application. Case was listed for disposal of application on 16-11-98 which was further adjourned to 27-11-98 for disposal of application of the management moved on 22-10-98. Objections were filed by the workman against the application of the management

and the case was listed for its disposal on 28-12-98. Hearing of the case could not take place as the tenure of the then presiding officer expired on 7-12-98 and the same position continued till 16-2-2000 for the reason that no successor of the Presiding Officer took charge of the Tribunal. After assuming the charge by the new Presiding Officer, case was listed for 24-4-2000 for the disposal of management's application dt. 27-11-98. The application of management was allowed *vide* order dt. 19-6-2000 and the management was permitted to file their written statement provided earlier cost imposed is paid. Written statement was taken on record and the case was listed for rejoinder on 26-7-2000. Workman filed rejoinder on 4-8-2000, but nothing new therein has been alleged except facts already reiterated by him in his statement of claim.

7. Workman moved application for recalling the order dated 16-7-98 whereby *ex parte* award passed in his favour was passed by the tribunal on payment of cost of Rs. 100/-. This application of the workman was decided by my predecessor in negative *vide* order dated 25-7-2001.

8. The management in their reply have denied continuous working of the workman for above 240 days. It is alleged that the workman was temporarily employed on daily wage basis for certain period due to heavy work load and he was not appointed as a regular candidate by the department as such his services could not have been terminated and the same stood automatically terminated as soon as the work finished. The management has filed annexure 2 alongwith their written statement purported to have been issued by Superintendent Govt. Gardens Lucknow indicating therein that the workman Vishram has worked in his department from 15-4-83 to 15-4-91 as daily wages Mali and his services was terminated on 16-4-91. The Management has further clarified that the workman has also filed a claim petition against termination of his services in the Labour Court against the Superintendent Government Gardens, Lucknow, in which the labour court has passed an award in favour of the workman Vishram and the Superintendent, Government Gardens, Lucknow, against the aforesaid award filed a writ petition before the Hon'ble Court which is still pending. Infact above position have been explained by the management in para 12 of their written statement but actually no annexure. 2 is annexed with it. It is further alleged that the certificate issued by the AGM Commercial has no meaning as he has no authority or power to give such certificate. On the basis of these allegations the claim of the workman deserves to be rejected.

9. The workman in support of his claim has adduced documentary as well as oral evidence. Management also filed a few documentary evidence and as witness of the management failed to put appearance before the tribunal management *vide* order dated 17-7-2002 was debarred from evidence. Management's application to recall aforesaid order too stands rejected by the tribunal *vide* order dt. 8-10-03.

10. Heard the parties representatives at length and perused the material and evidence on record. On behalf of the there is no evidence in rebuttal against the documentary

and oral evidence adduced by the workman. The workman has filed a document written by officers of the management of the legal cell whereby affirming the stand of the workman that the workman Vishram has worked for more than 240 days regularly from 18-7-90 to 10-1-92. Admittedly the workman has not been served with any notice of termination nor the retrenchment compensation paid to the workman by the management.

12. From the evidence on record it is also clear that the management has since reinstated the workman Vishram w.e.f. 16-6-2000 *vide* order no. Bharti/M-53-2/2000-2001-40 dt. 16-6-2000. It would be pertinent to mention that order or reinstatement was passed by the management subject to the decision of the application dated 3-4-98 for recalling the *ex parte* award dated 2-12-97. The said application dated 3-4-98 moved by the management was allowed by my learned predecessor *vide* order dated 16-7-98 subject to payment of cost of Rs. 100/-. The cost has neither been paid by the management nor deposited before the tribunal. Thus the order of the tribunal setting aside earlier *ex parte* award dated 2-12-97 has become redundant and infructuous. Even if it may be taken as the earlier award having been recalled or set aside the management has failed to adduce any evidence even after passing of the said order on 16-7-98. The order reinstating the workman in the service by the management has been passed much after the said date and before an opportunity to adduce evidence. Thus the management, it appears that has bowed down to the verdicts of the award earlier made on 2-12-97 and in compliance of the said award they have chosen to issue reinstatement order in the year 2000.

13. Be that as it may even if an opportunity given to the management to adduce evidence to rebut the claim of the workman the management failed to adduce any evidence despite a number of opportunities availed by them. On the basis of oral as well as documentary evidence on record it is fully proved that the worker has worked for more than 240 days and thus his retrenchment amounts to termination without notice and also retrenchment is bad in law on the ground that no compliance of prior notice and payment of retrenchment compensation under the provision of the Industrial Disputes Act, 1947, has been made by the management. Therefore, workman is entitled for the relief claimed by him. His termination is held to be bad in law.

14. Accordingly in view of the above, the action of the management is held to be bad in law and unjustified. Workman Vishram is held entitled for his reinstatement in the service with full back wages and all consequential benefits.

15. Reference is answered accordingly.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 1 अगस्त, 2005

का. आ. 3060.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में

निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या सी जी आई टी-31/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2005 को प्राप्त हुआ था।

[सं. एल-40012/62/2003-आई आर (डीयू)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 1st August, 2005

S.O. 3060.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-31/2004) of the Central Government Industrial Tribunal/Labour Court Jaipur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Deptt. of Post and their workman, which was received by the Central Government on 1-8-2005.

[No. L-40012/62/2003-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-31/2004.

Reference No. L-40012/62/2003-IR(DU)

Sh. Ram Singh,
S/o Sh. Amar Singh,
62/43, Rajat Path, Mansarovar,
Jaipur

.....Applicant

Versus

1. The Chief Post Master,
Deptt. of Posts, Rajasthan Sub-Division,
Jaipur
2. The Assistant Engineer,
Department of Posts,
Jaipur City, East Block, Jaipur
3. The Sub Post Master,
Department of Posts,
Shyamnagar Post office,
Jaipur

.....Non-applicants

PRESENT:

Presiding Officer : Sh. R.C. Sharma
For the applicant : Sh. C.B. Sharma,
For the non-applicants : Sh. Tej Prakash Sharma.
Date of award : 20-6-2005

AWARD

1. The Central Government in exercise of the powers conferred under Clause 'D' of sub-sections 1 & 2(A) to Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act') has referred this industrial dispute for adjudication to this Tribunal which runs as under :—

“Whether the action of the management of Chief Post Master General, Rajasthan Circle, Jaipur in

terminating the services of Sh. Ram Singh S/o Sh. Amar Singh w.e.f. 1/2/2001 is legal and justified? If not, to what relief the workman is entitled and from which date?”

2. The claimant has pleaded in his statement of claim that he was employed as a part-time waterman in the year 1990 at Shyam Nagar Post Office, Jaipur who served the drinking water to the staffers and carried out the other jobs of the post office and he also discharged his duties as a substitute for which the remuneration was paid to him. He applied to the department to appoint him as the additional employee, but he was not regularly appointed by the department which led him to file his case before the Central Administrative Tribunal. As his case was not maintainable, he had withdrawn it with the permission of the CAT vide order Ex. 2. Subsequent to it, he also instituted another case before the CAT which was rejected vide order Ex. 3. The non-applicants declined him to join the duty w.e.f. 1-2-2001. He had also preferred the DB Civil Writ Petition against the order of the CAT, which was also rejected by the order Ex. 4 of the Hon'ble High Court. The workman has further averred that for a period of 11 years he had continuously worked with the non-applicant department and had completed 240 days of actual work in the calendar year preceeding to the date of his termination. He has added that under the provision of the Act he is a workman and the non-applicant department is an industry and has urged to declare his termination order as illegal and to reinstate him in the service with its continuity and back-wages.

3. The non-applicants, in their written counter, have averred that a vacancy had accrued in the branch of Hirapura Post Office, which was advertised and the applications of eligible candidates were called for. The workman had also applied for the same post, but he could not be selected as he had only secured 38 per cent in his Secondary Board Examination, whereas one Sh. Shubhash Sharma who had acquired higher percentage of the marks than that of the workman was selected, who reported for duty on 20-11-2000. It has been further alleged that the claim has not been filed within limitation and that the workman was engaged as a waterman purely on ad hoc and part-time basis at Shyam Nagar Post Office who served the drinking water to the employees and used to fill the drinking water in pitchers. The non-applicants have added that the claimant has worked as a part-time temporary labourer as also a substitute on account of remaining on leave of concerned employee, who was awarded the allowances as per rules. The non-applicants have referred the order dated 15-7-02 of the Hon'ble High Court whereby his writ petition was dismissed and it has been alleged that neither the post office is an industry nor the claimant is a workman under the provisions of the Act.

4. On the pleadings of both the parties, the following points for determination were framed :—

I Whether the claimant was appointed by the non-applicant management as a part-time waterman in the year 1990, who continuously worked up to 31-1-2001

and who also performed the additional duties of the departmental employees? **BOA**

II. Whether the service of the workman was terminated on 1-1-2001 in violation of Section 25-F of the ID Act? **BOA**

III. Whether the claimant is a workman as defined under Section 2-S of the ID Act? **BOA**

IV. Whether the claim of the workman is not maintainable in view of the order dated 15-7-2002 passed by the Hon'ble DB of the Rajasthan High Court? **BOA**

V. Whether the claim is liable to be rejected on the ground of the delay? **BOA**

VI. Whether the Post Office is not an industry as defined under Section 2-J of the ID Act? **BOA**

VII. Relief, if any.

5. In the evidence, the workman has submitted his affidavit and the non-applicants have placed on record the counter-affidavits of MW-1, Anandi Lal Kumawat, Sub-divisional Post Master and MW-2, Hari Shankar, Post Master. All the witnesses were cross-examined by the opposite representative respectively.

6. I have heard both the parties and have scanned the record. The point-wise discussion follows as under :—

Point No. I, II and III

7. Since all these points involve identical questions of facts and law, they are being discussed together hereunder :—

8. The Id. representative for the workman contends that in the year 1990, the claimant was engaged as a part-time waterman, who is a workman as per the instructions issued by the non-applicant department and he continuously worked up to January, 2001 and had completed 240 days of work in the calendar year with the non-applicant department. The Id. representative further submits that though the workman has not brought any documentary evidence on the record, but it is the admission of the management witnesses that he had completed 240 days of work in a calendar year. The Id. representative has then submitted that when the workman requested for his regular appointment on accrual of some vacancies his service was terminated.

9. Per contra, the Id. representative for the non-applicants submits that no details of work have been submitted by the workman to prove that he had completed 240 days in a calendar year under the employment of the department. The Id. representative further submits that workman's case was rejected by the CAT twice and even by the Hon'ble High Court.

10. I have bestowed my thoughtful consideration to the rival contentions and have carefully perused the judicial pronouncements referred to before me.

11. The workman's case is that he was employed by the non-applicant department as a waterman at Shyam Nagar, post officer, Jaipur in the year 1990, who continuously worked by the end of the January, 2001 and on 1-2-2001, his service was terminated. It is also his case that he had also discharged the duties as a substitute on account of the leave of the concerned employee. As against it, the stand of the non-applicant department is that the workman was engaged as a part-time labourer on temporary basis for serving the drinking water to the employees and for filling the drinking water in the pitchers. The non-applicants have also disclosed that he had also worked as a substitute on account of remaining the concerned employee on leave and he was paid the contingent allowances for his work. But according to the non-applicants he had not completed 240 days of actual work in a calendar year.

12. Obviously, the workman to substantiate his plea of completion of 240 days in a calendar year preceding to his termination under the employment of the non-applicant department could not bring on record any documentary evidence. Nevertheless, his submission is that the non-applicants have admitted this fact. I, therefore, proceed to examine the oral evidence gathered on the record.

13. The workman has deposed the aforesaid facts in his affidavit and has testified that he was employed as a part-time waterman. In his cross-examination, he also admitted that when the concerned employee proceeded on leave he was substituted in his place. His deposition is that he had continuously worked in the year 1990, that no written appointment order was issued to him and that he had also appeared in the test held for filling the vacant post, but he could not be selected. Similarly MW-1, Anandi Lal Kumawat, the sub-divisional Post Master has deposed in his affidavit that the workman was engaged for serving the drinking water and filling it in the pitchers on purely temporary basis as a part-time employee on payment of contingent allowances and had also worked as a substitute on account of leave of the concerned employee. In his cross-examination he has pointed out that he is deposing the facts on the basis of the record and has not the personal knowledge of the case.

14. MW-2, Hari Shankar, was posted as Post Master at Shyam Nagar from June, 2000 to January, 2002, who has stated in his cross-examination that when he was assigned the charge of the Post Master in the said branch, he found the disputant employee working there as a waterman and he was removed from the service on account of his unsatisfactory work. It is also his statement that by the oral order he was removed and after his termination, the another person was employed in his place. He has then admitted that the workman during his tenure of posting had continuously worked with the office. His statement is that "ब्रमिक ने मेरे समय में लगातार काम किया है।"

15. On calculation, the preceding year to the date of workman's termination comes to w.e.f. 1-2-2000 to 31-1-2001 and the period of posting of MW-2 Hari Shankar in the post office at Shyam Nagar was from June, 2000 to

January, 2002. Thus the workman had performed his duties with him from June, 2000 to 31-1-2001, for a span of 8 months in total during the calendar year preceding to his date termination. Reckoning the period in this manner, the workman has completed 240 days of actual work in the calendar year preceding to the date of his termination.

16. Adding to it, the non-applicants have not categorically denied in their written counter the fact that the workman had completed 240 days of actual work with the department. However, the management witness Hari Shankar in his cross-examination has clearly admitted that during his tenure from June, 2000 to January, 2002, the workman was continuously working with the department. Undisputedly, the service of the workman was terminated on 1st of February, 2001 and on account of clear cut admission of this management witness, which is regarded as the best evidence, it is established that in the calendar year preceding to his date of termination, the workman had completed 240 days of actual work whose service was terminated without serving upon him one month's notice or pay in lieu of the notice or the retrenchment compensation. Thus, his termination tantamounts to the retrenchment as defined under Section (200) of the Act.

17. The Id. representative for the non-applicants while inviting my attention towards the decision reported in 2002 SCC (L & S) 367 in support of his submission has contended that the workman to substantiate his plea that he has completed 240 days of actual work in the calendar year has not brought on record any documentary evidence and his affidavit is not sufficient to establish his claim.

18. In the referred to decision, the Hon'ble Apex Court has observed that where the workman's claim is that he had worked for more than 240 days in the year preceding to his termination was denied by the employer, it was for the claimant to lead the evidence and his affidavit was not sufficient evidence for that purpose. As stated earlier, it is a clear cut admission of MW-1 Hari Shankar that the disputant had worked continuously with the department during his tenure, which goes to establish the factum of completion of 240 days of actual work by the workman in a calendar year prior to the date of his termination. As such, the Id. representative for the non-applicants does not derive any assistance from the referred to decision having the dissimilar facts from the present controversy.

19. Suffice it to state that it is the fairly well settled law that part-time labourer is also a workman as defined under Section 2-S of the Act. In the instant dispute, the service of the claimant was hired by the department on payment of the remuneration and there existed the relationship of employer-employee between the two. The department, too, has also clarified in its circular dated 17-5-89 that all daily wagers working in the post offices are to be treated as casual labourers. Therefore, the submission advanced on behalf of the claimant that he is a workman as defined under Section 2-S of the Act becomes tenable.

20. On examination of the evidence and materials available on the record, the workman has succeeded to discharge the burden of proving all these points, which are decided in his favour accordingly.

Point No. IV

21. The claimant in his pleadings has clarified that he had filed his case twice before the CAT and once before the Hon'ble High Court and has also mentioned the results thereof. To elaborate it further, it may be noted that vide order dated 22-11-2000, the CAT had accorded him the permission to withdraw his case with liberty to approach after selection process is over. It appears that the workman had challenged the selection of respondent No. 5, Subhash Kumar Sharma before the CAT and his case was rejected by the order Ex. 3 dated 12-9-2001 passed by the CAT. Aggrieved with it, the workman has preferred the writ petition before the Hon'ble High Court, which was dismissed vide order Ex. 4 dated 15-7-2002. Thus, on account of these cases, it does not appear that the workman had ever sought the relief as prayed by him in the present dispute. Therefore, the submission advanced on behalf of the non-applicants is not tenable and the order of the Hon'ble High Court dated 15-7-2002 passed on different relief claimed by the workman is not applicable to the present claim submitted by the workman. This point, therefore, is decided against the non-applicants.

Point No. V

22. On behalf of the non-applicants, it has been contended that the workman has raised his dispute belatedly. Contrary to it, the Id. representative for the workman contends that the workman had explained the delay caused in raising the dispute. It transpires from the record that in the year 2002, the workman had raised this dispute before the Conciliation Officer and prior to it, as is evident from the record, he had filed his cases before the CAT and thereafter had approached to the Hon'ble Rajasthan High Court. Therefore, it appears that the intervening time was consumed in the legal process and the workman was not sleeping over the matter. Therefore, the workman has offered a reasonable and plausible explanation of the delay caused in raising the dispute. As such, this point is decided against the non-applicants.

Point No. VI

23. It has been alleged on behalf of the non-applicants that the post office is not an industry as defined under Section 2-J of the Act. Arguing contra, the Id. representative for the workman submits that in view of the observations made by the Hon'ble Apex Court in 1998 SCC (L&S) 6 the post office is an industry. I have perused the decision carefully and the submission made on behalf of the workman is fortified by this decision. This point, therefore, is accordingly decided against the non-applicants.

RELIEF

24. For the foregoing reasons, the claim of the workman deserves to be allowed and he is entitled to be reinstated in the service with its continuity.

25. In the result, the reference is answered in the affirmative in favour of the workman and against the non-applicant department and it is held that the termination order of the workman dated 1-2-2001 passed by the management of post office is illegal and unjustified and that his claim is allowed. It is further held that he is entitled to be reinstated in the service with its continuity and 50 per cent back-wages. However, it would not preclude the non-applicant department to retrench the service of the workman after his reinstatement in accordance with the provisions laid down under Section 25-F of the Act. An award is passed in these terms accordingly.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 1 अगस्त, 2005

का. आ. 3061.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एनसीसी ग्रुप हेड क्वार्टर कैन्टीन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 12/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2005 को प्राप्त हुआ था।

[सं. एल-14012/8/97-आई आर(डीयू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 1st August, 2005

S.O. 3061.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 12/98) of the Central Government Industrial Tribunal/Labour Court No. I, Chandigarh now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of NCC Group Head Quarter Canteen and their workmen, which was received by the Central Government on 1-8-2005.

[No. L-14012/8/97-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH**

Case No. LD.-12/1998

Shri Chander Bhan son of Shri Zhandu Ram
R/o V & PO Katesra,
Teh. & Distt. Rohtak

Applicant

Versus

(1) The Canteen Officer,
CSD Canteen,
NCC Group Headquarter,
Rohtak.

Respondent

APPEARANCES:

For the workman : Shri R. P. Toniar

For the management : Shri Dinesh Nagar

AWARD

Passed on 11-7-2005

Central Govt. vide notification No. L-14012/8/97/IR (D.U.) dated 1-1-1998 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of NCC Group of Head Quarter Canteen, Rohtak in terminating the services of Shri Chander Bhan helper w.e.f. 20-11-1992 is just and legal? If not, to what reliefs the workman is entitled to?"

2. Workman in his claim statement averred that he was appointed as helper in the respdt. management w.e.f. 11-8-1986 and his services were terminated on 20-11-1992 is not disputed. Contention of the workman are that his services were terminated without any reasonable cause or reason, no enquiry was conducted against the workman before retrenching him no charge sheet or any show cause notice was served upon him. He was even not given any chance of personal hearing by the management. It is further alleged that workman came to know about the allegations levelled against him first time on receiving termination letter and second time only from the written statement. In para 3 of his rejoinder he stated that he never indulged in any mal practice. The workman was never conveyed mal practice or misconduct of any kind and no enquiry was ever conducted against him, it is all a concocted story of the then canteen manager who used to demand liquor bottles from the workman in the absence of bills. But the workman had to refuse him because it was not practically possible to issue liquor bottles to the canteen manager in the absence of bills. However the the entire liquor store was under the charge of Assistant Manager Shri Mahender Singh Chahal and the workman was employed as a helper to hand over the liquor bottles to customers on the asking of liquor store incharge. He came to know about the said misconduct on the date of terminating his services when he was handed over the termination letter. It is further contended that complaint against him or his conduct is also denied by the management for want of knowledge it means there is no complaint worth the name even against the act and conduct of workman because if there was to be any complaint against the act and conduct of the workman then definitely it was to be in the knowledge of respondent

whereas the same is denied by the respondent in this para of his reply/written statement in para 15.

3. In para 4 of the written statement management has stated that regarding complaint against his act and conduct denied for want of knowledge. All the customers of this Unit run canteen are not only ex-servicemen but also include serving personnel of this units of NCC Group HQ Rohtak.

4. He submitted that he never knew and he was not aware that concocted story has been hatched against him to terminate his service which he came to know when he was handed over the termination letter i.e. after perusing contents of the termination letter.

5. It is also submitted on behalf of the workman that act of misconduct was not proved that he handed over six bottles of Rum to an unauthorised old man. In this allegation it is submitted by the management that management had seized six liquor bottles but it is not disputed that these bottles were not seized from the workman. In the written statement it alleged that these were seized from an old man not in picture in this case. As it is stated regarding existence of old man that in the presence of army guards in the army premises old man slipped away. It only proves that there was no such incident. He also submitted that no enquiry report or enquiry file was produced in the Court to prove that any kind of enquiry was held against the workman. It is also a case of the workman that workman was terminated on the ground of misconduct and therefore it is not a retrenchment and provisions of Section 25 F of the I.D. Act are not applicable and annotated. But from the entire record nowhere it is said that workman was given an opportunity and he did not take it and he was issued charge sheet. He was not a casual worker. He was appointed by the management in 1985 and he worked w.e.f. 11-8-1985 to 20-11-1992 for about more than six years continuously on appointed post. The contract for the workman was made by the management in order to appoint him to do the work and he was therefore connected a story and he was removed/terminated.

6. Undisputedly, there was no enquiry file and charge sheet even there was no show cause notice produced in the court despite that these are not secret papers. In support of this contention workman filed affidavit of himself and was cross-examined as WW 1 and one Mohinder Singh Assistant Manager of the Canteen who was in charge of the liquor store from 1985 to 1997. He also filed this affidavit Ex. W7. Learned counsel for the workman in arguments submitted that workman by oral evidence proved that the Canteen Manager was demanding money for continuing his service and as he was unable. His services were terminated. Maj Bhardwaj was the Canteen Manager at that time. He did not know English. He is 5th class pass. He was not called by Col. Rajinder Singh. Col. Rajinder Singh did not demand money

from him. He does not know who had handed over six bottles of Rum to any persons. WW2 Mohinder Singh also proved that in Nov. 1992 he was the incharge of liquor store of CSD, Canteen Rohtak and Chander Bhan was employed as helper in liquor store. At that time he was employed as Asstt. Manager-cum-Sales man in the canteen. He did not observe any irregularity or any misconduct or malpractice against Chander Bhan. Further there was no complaint or any misconduct or malpractice against the workman was ever reported during his entire service or canteen and especially in the Month of Nov. 1992. He was on duty on 2-11-92 in canteen and workman was working as helper in canteen liquor store under his charge and workman did not commit any kind of irregularity or malpractice on that date either prior to that or thereafter. He came to know about the termination of the workman on 20-11-1992. That the Canteen Manager Shri B. S. Bhardwaj was in the habit of demanding liquor bottles from liquor store in the absence of paid bills in order to oblige some of the customers and friends and that CSD NCC Canteen, Rohtak is running in net profit. That one Mukesh helper has been employed in the Canteen after the termination of Chander Bhan's service. He further submitted that in nut shell, there was no enquiry in such a incident and it is all a concocted story and that workman being a poor person could not fulfil their illegal demands and therefore, he was to go. He also submitted that even from the written statement filed by the management if one perused carefully it can easily be seen that no such incident can happen which is prescribed in the written statement. In para 5 & 6 of the written statement the management has averred that the applicant was on duty as helper was to hand over liquor bottles to the legitimate card holders against the cash memos at the gate of the liquor store itself. What the applicant did was to carry six bottles Rum to a spot inside the canteen main gate and good distance of 30 yards to an old man who was waiting there which definitely constitute a misconduct of grave nature. The said old man while taking over the Rum bottles from the applicant was caught by the canteen NCO and the chowkidar on duty who snatched the bottles from him. The old man did not protest at that time or later at the seizer and confiscation of the impugned liquor bottles. The matter was immediately brought to the notice of Canteen Manager and the Canteen Officer at Group HQ. In the melee that ensued, the applicant made the old man slip away. The allegations of high handedness and intrigue on the part of Canteen Manager are, therefore not only baseless but mischievous impregnated with an attempt to malign him and through him to degame before the whole team of Regular Army Officer managing the operation of the said canteen. It is pertinent to mention here that the question of any shortage of any deficiency from the liquor store itself is not relevant because the complainant had manipulated to get these bottles through the card holders against cash memos.

7. Learned counsel for the workman submitted that entire allegations are totally oral and hear say and no material witness of incident was examined in this court nor produced any witness in court including that old man or chowkidar or guard nor these witnesses ever were examined in the enquiry. No document was filed of the enquiry to prove that there was such incident occurred and proper enquiry was held or these witnesses were examined. It also not proved by the management that workman was given an opportunity to defend himself whereas the case of the workman that he came to know about the termination when he was handed over the termination letter. It is not disputed that management did not produce a single document to show that enquiry was held against the workman. It is also surprising that in the presence of army officials, old man as stated by the management itself slipped away. This has also proved that there was no such incident and there was no such enquiry and without complying with the provisions of Section 25F of the I. D. Act, the services of the workman were terminated, hence workman may be reinstated in service with full back wages and other benefits.

8. On the other hand learned counsel for the workman further submitted that the services of the workman were terminated w.e.f. 20-11-1992 without any reasonable cause or reason. No enquiry was ever conducted against the workman before retrenching him. No chargesheet or any show cause notice was served upon the workman before retrenching him. He was even not given any chance of personal hearing by the management. The workman remained in employment of the management from 11-8-86 to 19-11-92 continuously and without any break. There was no complaint against his act and conduct either by the customers of the canteen or by the respondent management. All the customers of this canteen are ex-servicemen. That only concocted ground alleged against the workman in the termination letter dated 19-11-92 is that on 2-11-92 he/workman handed over 6 bottles of Rum to an unauthorised old man. It is further alleged in this letter dated 19-11-92 that all the 6 bottles were confiscated by the Manager of the canteen. But it is a total false allegation against the workman. It is pertinent to mention here that the workman has been working as a helper in Liquor store of this canteen for the last many years and no deficiency in Liquor store was ever reported by the incharge of Liquor store either on 2-11-1992 nor on any day thereafter until he was retrenched i.e. upto 20-11-92. It is further mentioned that no deficiency or complaint of any shortage of liquor was even reported against the workman since the time of his employment. That the workman never held the independent charge of the liquor store of the CSD Canteen rather he worked as a helper to assist the incharge of the liquor store in handing over the liquor bottles from the store to the customers and the distribution/handing over the liquor bottles used to be done at the orders of the incharge of liquor store only.

9. Further in support of their case management examined witness MW-1 Maj. B. S. Bhardwaj who was canteen manager and one employee of the canteen who was working at the time of termination of workman and MW 2 Naresh Kumar. On file I have found affidavit of Col. J. J. Smith who was working as Commander in the NCC Group Headquarters Rohtak from 15-1-1991 to 7-12-1992. This witness was not produced for their cross examination. Learned counsel for the Management submitted that it is clear case of misconduct where a proper enquiry was held against the workman, that the charges were proved and after holding through enquiry against the workman his services were terminated and it does not amount to retrenchment and no notice under Section 25 and retrenchment compensation is required to be given to the workman.

10. In view of the above submissions of both the parties and my perusal or oral evidence and documents filed by the workman i.e. termination letter and copy of Award of the Rohtak Court and judgement of the Hon'ble High Court wherein writ petition was dismissed that only Central Government Labour Court has the jurisdiction. No document or any document of enquiry report was filed by the management in this case. The case of the workman is that he came to know about the involvement in the malpractices and of the charges when he received the termination letter which is as under :—

(1) "You have been found involved in the malpractice in the canteen. On 2-11-1992 you have handed over 6 bottles of Rum to an authorised old man which were confiscated by the manager and the same bottles have been kept in the canteen under the custody of the manager.

(2) Therefore, your services are hereby terminated w.e.f. 20-11-1992."

11. From the perusal of the termination letter, I have found that this is the only document which has been filed by the workman wherein there is a disclosure that his services were terminated after he found involved in malpractices in the canteen as on 2-11-1992 when he handed over six bottles of Rum to an unauthorised old man which were confiscated by the manager and the same bottles have been kept in the canteen under the custody of the manager. That old man did not exist anywhere. Even in the written statement there is not even an iota of allegation that he was involved in the incident which was taken place on 2-11-1992. The management has not produced any document relating to the enquiry or seizure of liquor from him. In the circumstances, in the absence of Management not producing a single document of the enquiry held by the management, only irresistible conclusion is that no enquiry was ever held and arbitrarily without calling any explanation, the services of the workman were terminated without affording proper and fair opportunity

to the workman or any notice or pay or compensation, it is a clear violation of section 25F & H of the I.D. Act, and when it is clear violation of provisions of Section 25F & H, as he was not given any notice or pay in lieu or retrenchment compensation, his termination is void abinito. I therefore, hold that termination of the workman without holding enquiry without giving proper opportunity to defend, if it is not a termination on misconduct, it only can be said that it is retrenchment as provided U/s 25 F of the I.D. Act, 1947 and not following the provisions of the termination of the services of the workman is bad in Law and not legal and not justified. Therefore, I decide this reference that action of the management of NCC Group Head Quarter Canteen, Rohtak in terminating the services of Shri Chander Bhan, Helper w.e.f. 20-11-1992 is not just and not legal.

12. Further regarding relief the workman is entitled to, as I already held above that termination is bad and unjust and illegal, the workman is entitled for reinstatement in service, he is hereby ordered to be reinstated in service from the date he was terminated, also with full backwages and with consequential relief.

Chandigarh

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 1 अगस्त, 2005

का. आ. 3062.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वये, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में (जो और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 152/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2005 को प्राप्त हुआ था।

[सं. एल-40012/117/2003-आई आर(डीयू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 1st August, 2005

S.O. 3062.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 152/2004) of the Central Government Industrial Tribunal/Labour Court No. 1, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom. and their workman, which was received by the Central Government on 1-8-2005.

[No. L-40012/117/2003-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I.D.152/2004

Shri Vijay Pal Yadav,

House No. 3031, Mauli Complex,
Chandigarh

Applicant

Versus

The Chief General Manager,

Telecom, Punjab Circle,

Sector 34, Chandigarh-160001

Respondents

APPEARANCES

For the workman : None

For the management : Shri G. C. Babbar.

AWARD

Passed on 28-6-2005

Central Govt. vide notification No. L-40012/117/2003/IR (D.U.) dated 9-3-2004 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of Department of Telecom, Chandigarh in terminating the services of Shri Vijay Pal Yadav, Ex-Poen w.e.f. 27-2-1999 without complying with the provisions of the I. D. Act is just and legal ? If not, to what relief the workman is entitled ?”

2. In this case notices were issued to the workman five times and in reply to the 5th notice of which AD was received in this court he sent a written request for adjournment for 25-4-05 and fixing the case for one month ahead. On the written request sent by the workman the case was adjourned for filing the claim statement on 26-5-05. Thereafter none appeared for workman again. The case fixed for appearance and claim statement today by the workman. Today also none appeared upto 3 PM. Management advocate submits that workman appears to be not interested in prosecuting his case any more and the management is being harassed and the reference may be as returned as dismissed.

3. In view of the above as workman is not appearing despite several notices and his written request further on two dates, he did not appear at all in this case, I am of the considered view that workman is not interested to pursue with his case as he did not file any claim statement in this case even today. No written request against is made. Hence it appears that he is not interested in prosecuting his case. In view of the above, the present reference is returned for want of prosecution. Central Government be informed. File be consigned to record.

Chandigarh

28-6-2005

RAJESH KUMAR, Presiding Officer.

नई दिल्ली, 1 अगस्त, 2005

का.आ. 3063.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 2/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2005 को प्राप्त हुआ था।

[सं० एल-40012/143/2002-आईआर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 1st August, 2005

S.O. 3063.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/2003) of the Central Government Industrial Tribunal/Labour Court, No. I, Chandigarh, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 1-8-2005.

[No. L-40012/143/2002-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, I CHANDIGARH

Case No. I.D. 2/2003

Shri Parkash Chand son of Shri Durga Dutt. Village & P. O. Dewahan, Mandi (HP)

... Applicant

Versus

(1) The Divisional Engineer, Telecom Project, Deptt. of Telecom 134 A, Chander Marg. K. B. Dharamshala (H.P.)

... Respondent

APPEARANCES :

For the workman : Shri D. R. Sharma

For the Management : None

AWARD

Passed on 4-7-2005

Central Govt. vide notification No. L-40012/143/2002/IR (D.U) dated 9-12-2002 has referred the following dispute to this Tribunal for adjudication:

SCHEDULE

“Whether the action of the management of D. E. T. (Project) Dharamshala in terminating the services of Shri Parkash Chand Ex-chowkidar-cum-helper is just and legal? If not, so, what relief the workman is entitled?”

2. Workman advocate submit that he has no instructions from the workman and he is appearing for several dates and the workman is not taking any interest. Regd. AD notices have been issued by Court but workman

did not contact him nor appeared in the Court. He has not even come to sign the claim statement and also the letter of authority to appear for the workman. He also submit that workman is not interested in prosecuting his case. In view of the above as workman is not appearing, It appears that workman is not interested to pursue with his case. Therefore, the present reference is returned to the Central Govt. for want of prosecution Central Govt. be informed. file be consigned to record.

Chandigarh. 4-7-05

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 1 अगस्त, 2005

का.आ. 3064.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-I, नई दिल्ली के पंचाट (संदर्भ संख्या 55/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2005 को प्राप्त हुआ था।

[सं० एल-42012/111/94-आईआर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 1st August, 2005

S.O. 3064.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 55/95) of the Central Government Industrial Tribunal/Labour Court, No. I, New Delhi, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C P W D and their workman, which was received by the Central Government on 1-8-2005.

[No. L-42012/111/94-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

Presiding Officer : Shri S. S. BAL

Case No. I.D. 55/95

In the matter of dispute between :

Sh. Man Singh S/o Sh. Mange Ram &

Sh. Suresh Pal S/o Sh. Attar Singh

Through General Secretary,

C. P. W. D. Mazdoor Sangh,

E-26 (Old Quarter),

Raja Bazar, Baba Khark Singh Marg,

New Delhi.

... Workmen

Versus

The Director General Works,

C. P. W. D., Nirman Bhawan,

New Delhi.

... Management

APPEARANCES :

Workman in person with his A/R

Shri B. K. Prasad

Shri Atul Bhardwaj for Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/111/94-IR(D.U.) dated 5-5-95 has referred the following industrial dispute to this Tribunal for adjudication

"Whether the action of the management of CPWD, New Delhi in not regularising the services of Shri Man Singh and Suresh Pal, Beldars is proper, legal and justified? If not to what relief the workman is entitled to?"

2. Brief facts of this case as culled from record are that the workmen S/Shri Man Singh and Suresh Pal filed claim statement claiming that vide order No. L-42012/111/94-IR (DU) dated 5/6 June, 1995 amended designation of S/Shri Man Singh and Suresh Pal as Beldar instead of Soldars Shri Man Singh was engaged as Beldar by hand receipt on 2-6-86 in Pushp Vihar Maintenance Division, Pushp Bhawan, posted under Sub-division-V and Suresh Pal was engaged as Beldar on hand receipt basis on 1-1-86 on in M-Division upto 31-5-86 and again engaged on 20-6-86 and was continuously working in the Pushp Vihar Maintenance Division, Pushp Bhawan, New Delhi; that the works of the management are to maintain the buildings owned by the Central Govt. and is industrial estt. as defined in Clause (ii) of Section 2 of Payment of Wages Act 1936 so Industrial Employment (Standing Orders) Act, 1946 is applicable in the establishment of management. It is further stated that S/Shri Man Singh and Suresh Pal have been performing the duties of unskilled workmen continuously but their services were not regularised by the management till date; that after the orders of Hon'ble Supreme Court in the matter of Sunder Singh & others Vs. Engineer-in-Chief CPWD and others dated 17-1-86 S/Shri Man Singh and Suresh Pal have been getting the wages in the time scale of Rs. 750-940 with all allowances. The Supreme Court also directed the management and hoped that the (Management)/Govt. will take appropriate action to regularise the services of those workmen who have continuous employment of more than six months. Their seniority of 90 workers was to be fixed later on as per undertaking given during the hearing in C.P.W.D. Karamchhari Union case; that even after the order of the Supreme Court the management have regularised services of many persons junior to the workman in the time scale but the concerned workmen (applicants) have been discriminated even after the order of Hon'ble Supreme Court. The workmen have also become permanent as per Model Standing Order after completion of 3 months of service in the same industrial establishment. It is further stated that the management has not regularised the services of the applicants workmen S/Shri Man Singh and Suresh Pal with a view of deny the status of permanent workmen to them and thus the managements indulging in unfair labour practices and that the action of the management is not legal nor justified as per the said judgment of Hon'ble Supreme Court & Model Standing Order. Both the applicants are entitled to regularisation w.e.f. 2-6-86 and 1-1-86 respectively the date of their initial engagement and are entitled to the grade of Rs. 750-940 and their whole service be counted for increment's pensionary benefits, promotion etc.

3. The management contested the case by filing written statement denying the claim of the workman. However, they have admitted that both the workmen have been engaged and working as belder as mentioned in the claim statement and the claim is sought to be dismissed.

4. The written statement was followed by replication wherein facts mentioned in the claim statement were reiterated to be correct and controverted facts in the written statement were denied.

5. There after evidence was adduced by the workman and he was examined as WW1 and management examined Shri S.K. Chawla, Executive Engineer in its evidence and closed its evidence. After close of the evidence A/R for the workmen Shri B.K. Prasad and Atul Bhardwaj for the management concluded arguments.

6. I have given my anxious thought to the contentions made on both sides.

7. During the course of arguments Mr. B.K. Prasad A/R for the workman pointed out that Man Singh has already been regularised w.e.f. 29-10-96 by Superintending Engineer which fact has not been disputed by the A/R for the management and as such there remains no controversy about Man Singh as he has already been as regularised during the pendency of this reference which is admitted by the management. It has been stated by MW1 during his cross-examination that the case of Suresh Pal has been referred to the Scheduled Castes Coordination Committee which is Appointing Authority in this case. Similar contention is adopted by Mr. Atul Bhardwaj Ld. A/R for the management. The statement of MW was recorded on 30-9-97 when he stated that the case of workman Suresh Pal has been sent for regularisation to the Coordination Committee. It appears that his case has been referred for regularisation even prior to 1997 before 96 and prior to 30-9-97 and that no action has been taken so far, after a lapse of about a decade I do not see any impediment in the regularisation of Suresh Pal also as nothing against the workman has been pointed out to me nor there exist anything against him on record. It is stated by Mr. B.K. Prasad Ld. A/R for the workman that workman was granted temporary status w.e.f. 1-9-93 and it would be appropriate if he is made regular from the said date. Nothing against the workman has been pointed out to me. It would be appropriate if he is also regularised from the date of his grant of temporary status i.e. 1-9-93. It is ordered accordingly. Award is thus made.

Dated 21-7-2005

S. S. BAL, Presiding Officer

नई दिल्ली, 2 अगस्त, 2005

का.आ. 3065. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर के पंचाट (संदर्भ संख्या सीजीआईटी-55/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-8-2005 को प्राप्त हुआ था।

[सं० एल-40012/164/2001-आईआर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 2nd August, 2005

S.O. 3065.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-55/2005) of the Central Government Industrial Tribunal/Labour Court, Jaipur, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workmen, which was received by the Central Government on 2-8-2005.

[No. L-40012/164/2001-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR**

Case No. CGIT-55/2005.

Reference No. L-40012/164/2001-IR(DU)

Sh. Jagannath,
S/o Sh. Chaturbhuj,
C/o Jt. General Secretary,
Hind Mazdoor Sabha,
Bengali Colony, Chhawani,
Kota (Raj.) -324001.

... Applicant

Versus

The General Manager,
Telecom Department,
Kota-324001.

... Non-applicant

PRESENT:

Presiding Officer : Sh. R.C. Sharma
For the applicant : None
For the non-applicant : Sh. Neeraj Batra &
Sh. Rajeev Bhatia
Date of award : 18-07-2005

AWARD

1. The Central Government in exercise of the powers referred under Clause D of Sub-Section 1 to Section 10 of the Industrial Disputes Act, 1947 (for short, 'the Act') has referred the following industrial dispute to this Tribunal for adjudication, which runs as under :—

"Whether action of the management of General Manager, Telecom Department, Kota (Rajasthan) in terminating the services of Shri Jagannath S/o Shri Chaturbhuj w.e.f. 3-10-98 is legal and justified? If not, to what relief the workman is entitled?"

2. I have heard the Ld. representative for the non-applicant and have perused the record.

3. The workman despite the service of notice on him has not chosen to appear before the court on three consecutive dates i.e. on 10-6-2005, 20-6-2005 and 11-7-2005. It appears that he is not willing to pursue his claim. Under these circumstances, a 'No Dispute Award' is passed in the matter.

4. Let a copy of the award may be sent to the Central Government for publication under Section 17(1) of the Act.

R.C. SHARMA, Presiding Officer

नई दिल्ली, 2 अगस्त, 2005

का.आ. 3066.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान कॉपर लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर के पंचाट (संदर्भ संख्या 58/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-8-2005 को प्राप्त हुआ था।

[सं० एल-29012/48/2001-आई आर (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 2nd August, 2005

S.O. 3066.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 58/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur, as shown in the Annexure in the Industrial Dispute between the management of Hindustan Copper Ltd., Khetri Nagar and their workmen, received by the Central Government on 2-8-2005.

[No. L-29012/48/2001-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR**

Case No. CGIT-58/2001.

Reference No. L-29012/48/2001-IR(CM-II)

Sh. Shiv Kumar Sharma,
S/o Sh. Bansidhar Sharma,
R/o Vill. & Post Manota Kila,
Via. Khetri Nagar,
Distt. Jhunjhunu (Raj.)-333504

... Applicant

Versus

1. General Manager,
Khetri Copper Complex,
Khetri Nagar,
Disst. Jhunjhunu (Raj.)
2. Deputy General Manager,
Khetri Copper Complex,
Khetri Nagar,
Distt. Jhunjhunu (Raj.)

... Non-applicant

PRESENT:

Presiding Officer : Sh. R.C. SHARMA
For the applicant : Sh. Shyam Sunder Sharma.
For the non-applicant : Sh. Manoj Sharma.
Date of award : 29-6-2005

AWARD

1. The Central Government in exercise of the powers conferred under Clause 'D' of sub-sections 1 & 2(A) to Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act') has referred this industrial dispute for adjudication to this Tribunal which runs as under :—

"Whether the action of the management of Khetri Copper Complex, Khetri Nagar, Distt. Jhunjhunu in

terminating the services of the workman Sh. Shiv Kumar Sharma S/o Sh. Bansidhar Sharma, Winding Engine Driver (Spl. Grade) w.e.f. 22-11-2000 was justified? If not, what relief the workman is entitled and from what date?"

2. The factual background of the case sans the unnecessary details is that the workman has pleaded in his claim statement that he was working as a winding engine driver in Khetri Copper Complex, and in the intervening night of 6-1-2000 and 7-1-2000 while he was on duty from 12 am to 8 am, about 3.40 am an incident occurred whereby the ropes of production shaft were cracked and the skip fell down on the shaft. He has alleged that the incident took place on account of failure of the mechanism. But the Deputy General Manager of the Khetri Copper Complex (for Short, 'the Company') without any reason suspended him on 7-1-2000 and thereafter he was chargesheeted on 21-2-2000 with an allegation that he had operated the winder in the wrong direction which resulted in the heavy loss to the Company. The workman has further stated that the Enquiry Officers were changed by the Company and ultimately with an object to implicate him in the incident Sh. D.K. Mehta was appointed as the Enquiry Officer, who submitted his enquiry report on 23-10-2000 before the disciplinary authority, who ultimately terminated his services w.e.f. 22-11-2000. Aggrieved by it, he preferred an appeal which was rejected on 13-1-2001 by the appellate authority. He has further stated that he unsuccessfully raised an industrial dispute before the Conciliation Officer, who submitted the failure report to the competent Government.

3. The workman has assailed the findings of the Enquiry Officer on the grounds that his findings are baseless, contradictory, arbitrary and perverse and neither the evidence has been discussed by him nor the charges could be proved against him. Citing the cases of other employees, viz., S.C. Khan and R.K. Jha, he has stated that they were also terminated, but subsequently their punishment was altered into the minor punishment. He has urged that his termination order be set aside and he be reinstated in the service with its continuity and all other consequential benefits.

4. Resisting the claim of the workman, the non-applicants in their written-counter have averred that the incident had occurred in consequence of the serious misconduct committed by the workman, who had operated the winder in the wrong direction which had snapped the ropes of the skip of production shaft and it fell down in the shaft. Due to this incident, shaft was badly damaged below the zero meter level and over the unloading ramp in the cope-tower and auto guide ropes of both the skips, both guide ropes of Cuba and both the tale ropes of the skip were also totally got damaged and it resulted into a heavy loss of nearly Rs. 6 crores to the company. The non-applicants further clarifying the change of the Enquiry Officers in the enquiry have stated that on the administrative grounds they were replaced and that on 15-6-2000, the workman had urged to the disciplinary authority for the change of the Enquiry Officer which was acceded to in the interest of justice and Sh. D.K. Mehta,

the then Assistant General Manager, was appointed in place of Sh. VM Vijayvergiya. The non-applicants have supported the findings recorded in the Enquiry Officer dated 23-10-2000 and the punishment order passed by the disciplinary authority respectively. It has also been mentioned on behalf of the non-applicants that the service record of the workman has not been unblemished, as on various occasions he was punished with censure and warnings which have been detailed at para 2 to the additional objections in the written counter.

5. In the rejoinder, the workman reiterating the facts as mentioned in his claim statement has pointed out that the production shaft was 30 years old which could not be changed in spite of the written request made to the concerned authority, and that the incident occurred on account of the electric failure. On 6-1-2000, around 3.30 am due to electric fault the number two safety had tripped and he had informed this incident to Sh. Gopinath, Electrician. It has been alleged that the incident occurred due to the wrong application of control panel number 1 by Sh. Gopinath, that he himself had applied the emergency brake but it failed and that Sh. Gopinath, Electrician was also dismissed for the same incident. He has reiterated that the incident had not taken place on account of his negligence, but Sh. Gopinath is responsible for his incident. He has denied that the punishment of censure was awarded to him as the chargesheet was not served upon him.

6. After hearing both the parties on the preliminary issue of the fairness of the domestic enquiry conducted against the workman, this Court vide its order dated 18-11-2002 has found it to be fair and proper.

7. On the request of both the parties, the site was inspected by me on 26-5-2003 and subsequently on 24-2-2004 looking to the technical complexities involved in the case.

8. I have heard both the parties and have gone through the record.

9. The Id. representative for the workman contends that the workman was Winding Engine Driver carrying the valid license with him and on the date of the incident, automatic brake system was in operation and when the automatic system fails then the foot brake is applied. But when there is a mechanical failure of the automatic brakes, the foot brakes could not be applied and on account of the electrical fault the winder moved in the wrong direction. The Id. representative has assailed the findings of the Enquiry Officer that both the charges levelled against the workman are incorrect, that the findings of the Enquiry Officer are perverse, that he has not appreciated properly the evidence available on the record and that his report is based on the presumptions and conjectures. The Id. representative has also challenged the findings on the ground that they are not supported with the evidence brought on the record and the charges are not found proved on the basis of the documentary as well as oral evidence.

10. The Id. representative for the workman has also endeavoured to point out that the winder is operated in two modes i.e. in automatic mode and in the manual mode respectively and is controlled by two persons who are

known as the bottom man and surface man. The chief work is performed by the bottom man, who gives the signal on filling the skip. On the said date of the incident, it was the mechanical failure which caused the incident and the Enquiry Officer has not recorded in his findings as to how this incident had taken place. His submission is that the second charge levelled against the workman has not been found proved by the Enquiry Officer, whereas the first charge, although found to be proved against the workman, is vague and cannot be considered to be proved on the basis of the evidence available on record.

11. Per contra, the Id. representative for the non-applicants contends that the workman had operated the winder in the wrong direction which constitutes the gross misconduct under Section 39(2) (VIII) of the standing orders. Elaborating his submissions, the Id. representative contends that three sorts of evidence is available on the record, first, the general evidence, second the evidence of eye witnesses who were present at the time of occurrence and the third, the post accident evidence, which is simply in the form of enumeration. The Id. representative further contends that the workman had reset the safety in the manual mode and this fact could not be shattered and this is nobody's case that the brake had failed. His further submission is that the workman is a senior grade Winding Engine Driver, but he was sleeping at the time of the incident and was not vigilant. The Id. representative has taken me through the voluminous enquiry record by indicating the depositions of the management witnesses and has contended that the workman was not fully vigilant while discharging his duties. As per his contention, either the workman did not apply the brake or he applied the brake too late, therefore, the accident occurred. The Id. representative has also assailed the statement of the workman-delinquent deposed before the Enquiry Officer by contending that he had given the evasive answers to the questions put by the Presenting Officer and the Enquiry Officer after appreciating all the technical aspects had found him guilty of the misconduct, who was negligent and had not performed his duties properly.

12. In the rejoinder, the Id. representative for the workman urges that the automatic systems was in operation and the manual mode was closed in the relevant time and the change from the automatic to the manual mode is a time consuming process and that the delinquent was not responsible at all for this incident. The Id. representative has also assailed that the chargesheet is basically wrong and it has not been clearly shown as to which rule was contravened on the part of the workman. In response to the submission made on behalf of the non-applicants that the management witnesses have proved the misconduct of the workman, the Id. representative for the workman has questioned the truthfulness of the management witnesses and has asserted that no case is made out against the workman on the basis of the evidence collected on the record.

13. I have bestowed my anxious consideration to the rival contentions and have gone through the record.

14. Now, the question which arises for determination is whether the workman had operated the winder in the wrong direction or it was an electrical fault which caused

this incident resulting into the heavy loss to the company?

15. For an apt appreciation of the present controversy, the narration of the following relevant facts, in short, would be convenient :—

The chargesheet dated 21-2-2000 contains the two charges which read against the delinquent as below :—

It has been reported against you that you were on duty in the third shift (12 A.M to 8 A.M) on 6-1-2000, during which at about 3.40 A.M. :

- (i) You operated the winder in the wrong direction due to which the company has incurred heavy losses.
- (ii) Although 'depth indicator' and 'M' Meter were clearly showing 'over run' and 'over load' you neither cut the power supply nor applied the emergency brake. You could have prevented this situation by applying it. This act of yours is defiance under general procedure due to which over winding occurred on the production shaft and all the six wire ropes of winder were broken and fallen into the shaft along with both the shaft. It damaged the whole structure of shaft below zero meter level and in the cope-tower of unloading ramp and because of this, all the eight guide ropes of both the skip, both guide ropes of Cub and both the tale ropes of skip got completely damaged.

This incident has totally halted the production in the Khetri Mines and it would take nearly four months to get it corrected and in its repair and to restart the production, the company will incur a loss of nearly Rs. 600 lakhs.

In the event of getting proved these acts as alleged above, under Section 39 (2)(1) of the Certified Standing Orders, which is in force on you—willful disobedience of any legal and valid order of superior officer,

39(2)(V)—act of indiscipline

39(2)(VI)—negligence of duty

39(2)(VII)—habitual indiscipline

39(2)(VIII)—defiance of any order or rule issued for security reasons

39(2)(X)—willful damage to the property and work of the company

39(2)(XV)—repetition of any act or mistakes for which penalty can be imposed under Section 39(1)

16. The management to substantiate the charges against the workman examined 5 witnesses during the course of domestic enquiry, whereas the accused in rebuttal examined 3 witnesses. The Enquiry Officer on charge No. 1(a) has arrived at a finding that the workman has negligently operated the winder in the wrong direction and has found him guilty for the said misconduct. On charge No. 1(b), he has recorded that causing the heavy loss to the company does not solely rest with Sh. Shiv Kumar Sharma, which goes to infer that other employees were also accountable for the loss incurred by the company.

17. On charge No. 2(a), the Enquiry Officer has come to the conclusion that the responsibility does not solely rest with the workman and the charge No. 2(b) has not been found proved against him.

18. The Enquiry Officer while discussing the evidence the management witnesses as well as the defence witnesses has noted that on the said day of the incident, the workman had checked both the brakes of the winder and found them in order and Gopinath was informed by the chargeman (electrical) that the system was normal and that there was no electrical fault. As per his noting, at around 3.30 a.m. one of the shafts tripped which was not getting reset by the workman, who asked the electrician to check it and after checking the annunciator panel by the electrician, he intimated the workman to rest the safety. At that time, the west skip was loaded and was coming up and after resetting of the safety by the workman, the winder got started and the west skip went downwards and the speed of the winder increased tremendously and within a few seconds the west skip went down, the winding ropes were cracked and the east skip fell into the shaft. On these facts, the Enquiry Officer has drawn an inference that when safety tripping took place at about 3.30 a.m. the winder had got stopped which shows that the brakes were operative. He has also recorded that the safety tripping system was functioning in order till 3.30 a.m. and when the resetting of tripped safety by the workman was not taking place, the system appeared to have been by-passed by the electrician. He has further stated that after resetting of the tripped safety, the winder appeared to have been operated in the manual mode and had the operation been in auto mode, the loaded west skip would have moved upwards only. He has also mentioned that due to start up in the wrong direction, the loaded west skip started going down and its speed increased tremendously because of the gravitational force. The Enquiry Officer has then recorded that the claim of the workman that he had used the emergency brake appears, to be that he applied it too late by the time the damage had been done to the company.

19. The set up of the winder system is depicted in the inspection reports dated 26-5-2003 and 24-2-2004 in this manner that the operator cabin contains a control desk, which has the mechanical system for operating the winder. The board of the operating desk indicates two arrows—one arrow is in the eastern side and the another arrow is on the western side. Then, there are four indications or placement—two beneath both the arrows and two above both the arrows. Similarly, there are two skips. When the eastern skip is going upwards after loading, then it is indicated in the eastern arrow and when it stops at the top then the placement is shown by the indicator. When the eastern skip is at the top side then the western skip is downwards which would be shown by the placement beneath the western side arrow. There is also a depth indicator which indicates the speed of the skip. When the skip is stopped then it indicates at point zero.

20. There are three safeties in the winder and on occurring the failure of the system or some technical defect, any one of the safeties would indicate it and the winder would be automatically stopped. On the day of the

incident, the loading skip was going upward and as soon as the tripping occurred, than it is said that it was the duty of the operator to see that the loaded skip should not come down to the floor at any cost. But in the lack of the performance, the eastern skip travelled downwards with a high speed and fell down causing heavy loss to the factory.

21. The company's stand is that on the day of the incident some tripping occurred while the winder was running normally and it was the duty of the operator to look after the tripping of the winder whenever any fault occurs and to apply the brakes. On the day of the incident, the loading skip was going upwards and as soon as the tripping occurred, it is stated to be the duty of the operator to see that the loaded skip should not go down to the floor at any cost, but on account of failing in performing the duties the winder went downwards with high speed and fell down on the ground causing heavy loss to the company. On behalf of the company, it has been stated that when the tripping occurred the workman-operator applied the reverse brake instead of emergency brake which caused the accident.

22. Contrary to it, the workman has put forth a plea that on the day of the incident the hoisting of ore was being operated automatically and the speed of the winder, which is regulated by the governors, whenever it suddenly increases, then it would stop automatically and thus there is no role of operator in controlling it. It has been stated on his behalf that on account of the failure of automatic as well as emergency brake, the east skip fell down on the ground. The workman's case is that he had applied the emergency brake but there was complete failure of functioning of both the brakes.

23. The workman has also pointed out that on the day of the occurrence the winder was being operated in the automatic mode and when the western skip was moving onwards, then some default occurred in the mechanical system and the Safety Tripping Indication Bulb indicated the safety tripping, which was reported by him to the electrician who corrected the system and reported back to him, who when pushed the button to run the winder, it suddenly increased the speed and when he applied the foot brake, the brakes failed and the skip fell down on the ground with the gravitational force.

24. Turning to the evidence adduced by the management to justify the charges levelled against the workman, MW-1, S.K. Das is the Deputy Manager, who was intimated about this incident and thereafter he inspected the site, MW-5, S.R. Sen, the Deputy Manager, Electrical Mines, was also conveyed the incident who subsequently reached on the spot. Thus, both these witnesses are formal.

25. It is said that on the day of the occurrence, MW-2, Hari Kishan, Helper and MW-4 Gopinath, Operator-cum-Electrician were on the spot, MW-3 K.K. Sharma is the Chief Manager, Mechanical, who had inspected the site on taking place of the incident. The deposition of all these three witnesses is material on the point.

26. MW-2, Hari Kishan, Helper, deposed before the Enquiry Officer that the hoisting started in automatic

mode and when the tripping was indicated, it was reset. His Statement is that winder was functioning in automatic mode, the brakes were also in working conditions and the operator had applied the foot brake at the time of incident. He has maintained that when the safety was reset, the winder increased its speed tremendously and the operator applied the brakes, then again tripping was indicated, the motor was disconnected and the winder could not be stopped despite the application of the brake by the operator.

27. MW-3, K. K. Sharma, Chief Manager (Mechanical) who inspected the site happens to be the Engineer, Mines, who has replied to a question put on behalf of the workman by stating that he had seen a loaded skip lying there which means that the winder could have moved in the opposite direction.

28. MW-4, Gopinath, Operator-cum-Electrician, has testified that on the date of the incident, he was on the duty in the third shift at production shaft, who was told that the system is functioning normally and when the workman Sh. Shiv Kumar Sharma joined in the third shift, then at about 1.00 AM he started the hoisting in automatic mode and then he slept, who was awakened by him twice or thrice during his duty hours. He also made him aware after awaking him that the position of the east side has not been indicated which should be reset. He has also deposed that he had seen the workman operating the winder through the manual system and its speed had increased and after sometime he heard a noise and found the smoke arising there. He had seen that the ropes were snapped and had fallen in the shaft. Thus, his deposition is that the incident had taken place due to the negligent functioning of the workman and he has maintained in his deposition that the workman was sleeping while the winder was running.

29. The evidence of MW-2, Hari Kishan, Helper and MW-4, Gopinath, Operator-cum-Electrician, who are the spot witnesses and the expertise evidence of MW-3, K. K. Sharma strengthen the findings arrived at by the Enquiry Officer about the guilt towards the workman-delinquent that he was not alert during his duty hours in the third shift on 6-1-2000 and it flows from the aforesaid evidence that the incident had taken place on account of the workman's failure in discharging his duty cautiously, vigilantly and promptly. It is undisputed that the incident has caused a heavy loss to the company, Which on the strength of the aforesaid evidence stands proved that its accountability rests with the workman.

30. On a close scrutiny of the defence evidence, it can be stated that the defence adduced by the workman does not render any reasonable or plausible explanation of his act and does not substantiate his plea that the incident had taken place on account of the mechanical failure, which put the company into the heavy loss. The plea put forth on behalf of the workman is not maintainable and no fact has surfaced which may lead to infer with the findings of the Enquiry Officer.

31. That takes me to the determination of the quantum of punishment looking to the gravity of the misconduct committed by the workman.

32. The Id. representative for the workman submits that in view of the provision under Section 11-A, the punishment awarded to the workman can be interfered with. The Id. representative in support of his submission has placed his reliance upon 198244 FLR Delhi, 356; 1993(67) FLR Bombay 220; 1973 (26) FLR SC 359 and 2004 (100) FLR 843, which I have carefully gone through.

33. The principle propounded in these judicial pronouncements is that the Tribunal under Section 11-A of the Act can interfere with the punishment imposed on the workman-delinquent looking to the circumstances of the case. The question, therefore, which falls for determination is whether looking to the gravity of the misconduct, it is a fit case wherein the impugned punishment order can be interfered with.

34. Evidently, the workman has acted negligently due to which the company has to suffer a heavy loss and looking to the gravity of the misconduct, the punishment inflicted on the workman cannot be stated to be shockingly or excessively disproportionate. Hence, I do not find any justification to interfere with the impugned punishment awarded to the workman.

35. In consequence, the reference is answered in the negative against the workman and in favour of the company and it is held that the order of terminating the service of the workman w.e.f. 22-11-2000 passed by the management is justified and the claim of the workman is dismissed. An award is passed in these terms accordingly.

R.C. SHARMA, Presiding Officer

नई दिल्ली, 2 अगस्त, 2005

का.आ. 3067.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उदयपुर मिनरल डवलपमेंट सिंडिकेट के प्रबंधन के संबंध में निर्योजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण भीलवाडा के पंचाट (संदर्भ संख्या 128/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-7-2005 को प्राप्त हुआ था।

[सं० एल-29011/24/99-आईआर (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 2nd August, 2005

S.O. 3067.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 128/1999) of the Industrial Tribunal Bhilwara (Rajasthan) now as shown in the Annexure in the Industrial Dispute between the management of Udaipur Mineral Development Syndicate Ltd., and their workmen, received by the Central Government on 29-7-2005.

[No. L-29011/24/99-IR(M)]

B. M. DAVID, Under Secy.

अनुबन्ध

श्रम न्यायालय, भीलवाड़ा (राज०)
पीठासीन अधिकारी—एम०एल० शर्मा—प्रथम
आर०एच०जे०एस०

श्रम विवाद प्रकरण संख्या 128/99

1. श्री सुरजा पुत्र श्री छोटू जी गूजर
2. श्री लालू पुत्र श्री रतना रागर
3. श्री भारू पुत्र श्री कजोड धाकड़
4. श्री लाला पुत्र श्री ओंकार माली
5. श्री लक्ष्मण सिंह पुत्र श्री तेज सिंह
6. श्री गुलाब सिंह पुत्र श्री मदन सिंह
7. श्री मदन लाल पुत्र श्री काना धाकड़

द्वारा अध्यक्ष, भारतीय मजदूर संघ, कुरड़ा जिला भीलवाड़ा

.....आवेदकगण

बनाम

(U.M.D.S.)

चीफ एग्जीक्यूटिव/एजेंट पो० बाक्स नं० 5, भीलवाड़ा

.....अनावेदक

उपस्थित :

श्री एस० एन० शर्मा, प्रतिनिधि—आवेदकगण की ओर से
श्री आर०एस० सोलंकी, अभिवक्ता—अनावेदक की ओर से

दिनांक 25-4-2005

पंचाट स०

भारत सरकार के श्रम मंत्रालय ने अधिसूचना संख्या : एल-29011/24/99/आई आर (एम) दिनांक 6-8-99 के द्वारा औद्योगिक विवाद अधिनियम, 1947 की धारा 10(1)(ग) के तहत निम्न विवाद इस न्यायालय को अधिनिर्णयार्थ प्रेषित किया :—

SCHEDULE

“Whether the action of the management of M/s Udaipur Mineral Development Syndicate Ltd. Bhilwara in terminating the services of their following workmen w.e.f. the date shown against the workmen is legal and justified ? If not, to what relief the concerned workmen are entitled ?

Sl. No.	Name of workmen	Date of termination
1.	Shri Surja S/o Shri Chotu ji Gujar	31-3-97
2.	„ Ladu S/o Shri Ratna Ragar	31-3-97
3.	„ Bharu S/o Shri Kajod Dhakar	15-3-97
4.	„ Lala S/o Shri Onkar Mali	15-3-97
5.	„ Laxman Singh S/o Shri Taj Singh	31-3-97
6.	„ Gulab Singh S/o Shri Madan Singh	31-3-97
7.	„ Madan Lal S/o Shri Kana Dhakar	31-3-97

उपर्युक्तानुसार विवाद दिनांक 13-9-99 को प्राप्त होने पर क्रम सं० 128/99 पर दर्ज हुआ तथा पक्षकारान को सूचित किया गया।

आज आवेदकगण मदन व गुलाब सिंह तथा अनावेदक संस्थान के मध्य आपसी राजीनामा हो गया। राजीनामा न्यायालय में पेश हुआ जो तस्दीक किया गया और कोई विवाद शेष नहीं है। अन्य आवेदकगण के

संबंध में राजीनामा पूर्व में हो चुका है तथा इस पत्रावली में कोई कार्यवाही शेष नहीं है, अतः कोई विवाद शेष नहीं है आशय का पंचाट जारी किया जाता है।

एम०एल० शर्मा प्रथम, न्यायाधीश

नई दिल्ली, 2 अगस्त, 2005

का.आ. 3068.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आदित्य सीमेंट वर्क्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण भीलवाड़ा के पंचाट (संदर्भ संख्या 1/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-08-2005 को प्राप्त हुआ था।

[सं. एल-29011/36/2004-आई आर (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 2nd August, 2005

S.O. 3068.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1/04) of the Industrial Tribunal Bhilwara (Rajasthan) as shown in the Annexure, in the industrial dispute between the management of M/s Aditya Cements Works, Adityapuram and their workman, received by the Central Government on 2-8-2005.

[No. L-29011/36/2004-IR (M)]

B. M. DAVID, Under Secy.

अनुबन्ध

श्रम न्यायालय भीलवाड़ा (राज.), कैथ-चित्तौड़गढ़

पीठासीन अधिकारी—एम.एल. शर्मा—प्रथम, आर. एच. जे. एस.

श्रम विवाद (केन्द्र) प्रकरण संख्या: 1/2004

श्री एन. के. गौतम पुत्र श्री आर. के. गौतम,

निवासी-4एफ/11 विज्ञाननगर, कोटा।

.. आवेदक

:: बनाम ::

एग्जीक्यूटिव प्रेसिडेंट, मै. आदित्य सीमेंट वर्क्स

सावा शंभूपुरा, जिला-चित्तौड़गढ़ (राज.)

.. अनावेदक

उपस्थित:

श्री बलदेव मोड, प्रतिनिधि—आवेदक की ओर से।

श्री एच. डी. माथुर, प्रतिनिधि—अनावेदक की ओर से।

पंचाट

दिनांक 26-2-05

भारत सरकार के श्रम मंत्रालय ने अधिसूचना संख्या: एल-29011/36/2004 दिनांक 10-8-04 के द्वारा औद्योगिक विवाद अधिनियम, 1947 की धारा 10(1)(ग) के तहत निम्न विवाद इस न्यायालय को अधिनिर्णयार्थ प्रेषित किया :—

“Whether the contention of the workman Shri N. K. Gautam, Mines Operator that his services have been terminated by the Executive President, M/s Aditya Cement Works, Sawashambhupura, Chittorgarh (Raj.) w.e.f. 30-9-2002 is correct and justified ? If not, to what relief the workman is entitled and from which date.?”

उपर्युक्तानुसार विवाद दिनांक 25-8-04 को प्राप्त होने पर क्रम संख्या 1/04 पर दर्ज हुआ तथा पक्षकारान को सूचित किया गया।

आज पक्षकारान के मध्य लोक अदालत की भावना से आपसी राजीनामा हो गया। मुताबिक राजीनामा पक्षकारान के मध्य कोई विवाद शेष नहीं है। राजीनामा लिखित में पेश हुआ—जो देख कर तस्दीक किया गया। मुताबिक राजीनामा यह विवाद निर्णित किया जाता है तथा पक्षकारान के मध्य “कोई विवाद शेष नहीं है” आशय का पंचाट जारी किया जाता है।

एम. एल. शर्मा प्रथम, न्यायाधीश

नई दिल्ली, 2 अगस्त, 2005

का.आ. 3069.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एटोमिक मिनरल डायरेक्टोरेट फार् एक्सप्लोरेशन एंड रिसर्च के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 163/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-7-2005 को प्राप्त हुआ था।

[सं. एल-29025/21/2005-आई आर (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 2nd August, 2005

S.O. 3069.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 163/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Atomic Mineral Directorate for Exploration & Research and their workman, which was received by the Central Government on 29-7-2005.

[No. L-29025/21/2005-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri E. Ismail, B.Sc., LL.B.,

Dated the 4th April, 2005

INDUSTRIAL DISPUTE L.I.C.D. NO. 163/2003

Between :

Sri D. Venkatesh,
R/o SRT 48, Prakash Nagar,
Begumpet,
Hyderabad.

... Petitioners

AND

1. The Director,
Atomic Minerals Directorate for
Exploration & Research,
Department of Atomic Energy,
1-10-153-156, Begumpet,
Hyderabad.

2. The Chief Administrative & Accounts
Officer & Disciplinary Authority,
Atomic Minerals Directorate for
Exploration & Research,
Department of Atomic Energy,
1-10-153-156, Begumpet,
Hyderabad.

... Respondents

Appearances :

- For the Petitioner : Sri A. Laxman Goud, Advocate
For the Respondent : Sri B. Raja Vardhan Reddy,
Advocate.

AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the Judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s Cotton Corporation of India and two others.

2. The brief facts as mentioned in the petition are: That the petitioner was engaged in 1983 as tea maker in the Respondent Industry. Thereafter he was absorbed as Security Guard in 1991 in the Grade of Helper. When he was discharging his duties as Security Guard with the Respondent on 6-2-2002, the petitioner father fell suddenly sick therefore, he was admitted in the Yashoda Hospital for chronic renal failure, after taking treatment for chronic renal, he was discharge from the Yashoda Hospital on 4-3-2003 and further treatment was continued upto 21-5-2003. On 22-5-2003 his father expired. It is submitted that the petitioner was issued with office order dated 16-7-2002 alleging that the Central Government Health Scheme and credit letter were used for providing medical treatment to unknown person, Petitioner being illiterate does not know the contents of the alleged charges. However, as per the advise of his superiors, petitioner admitted the charges against him and tendered unconditional apology by way of mercy application dated 23-7-2002 hoping that the department will drop the further proceedings. Thereafter the management had issued another proceeding dated 9-10-2002 directing the petitioner to submit the written statement within 10 days or less to be heard in person. The Petitioner opted for personal hearing. He said that as per the advise of the superiors he has accepted the charges but he was asked one question, “whether this application dated 23-7-2002 was submitted by you or not”, for which petitioner replied, “Yes, I submitted”. He was removed on 2-12-2002 which is illegal, arbitrary and unjust. He preferred an appeal to the Directorate for Exploration & Research, Department of Atomic Energy, Atomic Minerals and the Appellate Authority passed orders modifying the punishment by imposing compulsory retirement. They failed to appreciate the facts that the admission of the charges and submission of mercy application is only on the fond hope that the disciplinary authority and appellate authority will drop the charges. The Disciplinary Authority and Appellate Authority failed to see that the charges are proved only on the basis of mercy application. Opportunity was not given to petitioner to defend his case. In fact, the management has not proved the charges. Due to the illegal removal from service the petitioner was not in a position to take care of

his father, due to which his father expired on 22-5-2003. The Disciplinary Authority and Appellate Authority failed to see that he has put in 11 years of service of security guard and he is not able to secure a job for subsistence inspite of his best efforts as he is over aged. Hence, he may be reinstated.

3. A counter was filed stating that he has worked in AMD, a non-industrial R&D establishment. That the petitioner not being covered under Industrial Disputes Act, 1947 is expected to move the Hon'ble Central Administrative Tribunal for the sake of resolving any of his legitimate demands. The Hon'ble Court has inadvertently admitted the present petition filed by the petitioner who is not a workman. He was on regular R&D establishment of Central Government, hence, he has no locus standi to file the present petition before the Hon'ble Court. Much is written about the jurisdiction of this Court. In other words, AMD will not be considered as an 'industry' under the Industrial Disputes Act, 1947. In this context, a copy of the D.O. Letter No. S-11025/8/97-IR(PL) dated 20-10-99 from the Secretary, Ministry of Labour, Government of India addressed to the Secretary, Department of Atomic Energy.

4. For the welfare of the employees, the Respondents Directorate provides medical facilities to its employees and their dependent family members under the Central Government Health Scheme applicable to all non-industrial Government establishments in Hyderabad. The beneficiaries whose photographs are affixed on the medical identity card issued by the Department are expected to avail medical facilities through anyone of the CGHS dispensaries situated in their locality. Depending upon the seriousness of the case beneficiaries can even be referred to super speciality hospitals recognized by CGHS. Accordingly, the petitioner and his family members were allowed. In July, 2002 it was brought to the notice of the Respondents that the petitioner started providing medical treatment to a third party (later admitted to be his father-in-law) by resorting to impersonation. Hence, a committee consisting of three officers of the Respondents Directorate paid a surprise visit to the Yashodha Super Speciality Hospital, Somajiguda on 12-7-2002 where the third party is obtaining treatment by name of his father Mr. Anjaiah. Accordingly, his explanation was called for to which he admitted to a specific question raised by the Disciplinary Authority, the petitioner answered that there is no enquiry necessary to conduct and to take a lenient view. He was removed and on appeal compulsorily retired. That the petitioner's pension papers and other papers sent to the petitioner but instead of taking the same he approached the Hon'ble Industrial Tribunal cum Labour Court, instead of moving the Hon'ble Central Administrative Tribunal. In fact, earlier, for his appearing in the office premises in a state of intoxication he was imposed a penalty of stoppage of one year increment for a period of one year without cumulative effect and further the hospital bills already paid were Rs. 8282/-, also reimbursement of medical claims was Rs. 67,155/- and bills withheld for payment were for Rs. 1,50,678/-. Hence, he deserves no sympathy.

5. As no full-fledged enquiry was conducted hence, the question of deciding first the validity of domestic enquiry did not arise.

6. The petitioner examined himself as WW1 and deposed to the said facts in his petition and stated that his father fell suddenly sick and was admitted in Yashodha Hospital for chronic renal failure. Then he was discharged from the Yashodha Hospital on 4-4-2003 and after treatment was continued upto 21-5-2003 at his residence and on 22-5-2003 his father expired. He marked termination order Ex. W1, appeal order Ex. W2 representation is Ex. W3 and memorandums as Ex. W4 and Ex. W5. Appeal preferred is Ex. W6. He admitted in the cross examination that the filed Ex. W3 also, gave another reply to Ex. M1. That he gave reply to Ex. M2 vide Ex. M3 and that his father-in-law was not sick, but his father was sick. Further, in re-examination he submitted that his signature was obtained on number of blank papers and later filled up with explanation and appeal grounds.

7. Sri K. Mohan Rao, Administrative Officer MW1 who deposed that this Court have no jurisdiction and he elaborated on that and further deposed that inspite of treating his father he treated his father-in-law and he was rightly dismissed, then on appeal it was modified into compulsory retirement. In the further chief he had marked various documents as many as 15. In the cross-examination he denied that Group D employees come under workman category. He stated that the petitioner has provided medical facility of renal failure treatment in the name of his father Mr. Anjaiah as per records by impersonation of his father-in-law Ex. M4 is the said document. Ex. M4 does not bear the name of the petitioner and his address. It is true that Ex. M4 does not reflect any connection with the petitioner. On receiving the anonymous call they have constituted a committee consisting of three officers. It is true that they have not filed the committee report before the Hon'ble Court. It is true that they have not filed documents to show that the petitioner has claimed the medical benefit towards renal treatment or any other treatment. Unless committee member is examined he cannot say whether the doctor is examined or not. That he does not know how the committee came to the conclusion that the petitioner's father-in-law has impersonated as his father. He does not know as to whom the committee has examined. It is true that after identifying the persons in the identity card, CGHS facility will be provided in the hospital. The photographs as given in the Ex. M4 does not reflect in the CGHS Card, Ex. M3. He answered that unless a person is shown is the CGHS card he will not be treated as dependent family member of the petitioner.

8. MW2, Sri M.S. Viswanathan, Security Officer, deposed that he was a member in the Fact Finding Committee. That he visited Yashodha Super Speciality Hospital along with other members of the committee in the month of July, 2002. That the committee enquired in the hospital and it was brought to the notice of the respondent that petitioner started providing medical treatment to his father-in-law by resorting to impersonation. It was found that the person taking treatment has no resemblance of petitioner's father. The same was very much evident from the fact that patients both hands has been amputated long back where as the petitioner's father had no such disability. The hospital authorities also certified on a photograph of

the third party that the said person was obtaining treatment from the beginning in the name of Sri Anjaiah. The petitioner obtained medical bills reimbursed from the office of the respondent in the name of Mr. Anjaiah. The committee submitted a report to the Chief Administrative Officer. Subsequently the petitioner was called for explanation and admitted the charge. Later he was dismissed from service. The report of the committee and payment of medical bills are herewith filed and marked as Ex. M16 and M17. In the cross examination he deposed that it is true that no official has constituted the Fact Finding Committee. They after visiting the hospital asked one of the sisters of the hospital that whether there is a patient by name Mr. Anjaiah is taking treatment in the hospital. The patient was not having both the hands. That he along with the Fact Finding Committee has never seen the petitioner's father earlier. They have taken the statement of any other staff. The petitioner was not available for hospital. Ex. M16 does not disclose that the petitioner has availed reimbursement for any treatment to Mr. Anjaiah during July, 2002. The committee has given only opinion, that the patient might be petitioner's father. That he did not interrogated anybody, only took the photo of the patient undergoing treatment by obtaining permission.

9. It is argued by the learned counsel for the petitioner that merely on assumptions he cannot be dismissed. The evidence of MW1 does not help the management because Ex. M4 does not bear the name of the petitioner and his address. It is true that Ex. M4 does not reflect any connection with the petitioner. Further he has admitted that the committee's report has not been filed before the Hon'ble Court. Further Ex. M15 does not show that Mr. Anjaiah was taking treatment for renal failure. In fact, Ex. M15 shows that there is no gross numerical defect. Further he has admitted that he does not know whether there is any relationship between the person shown in Ex. M4 and the petitioner. He cannot say whether the person shown in the document Ex. M4 is related to the petitioner. He has also admitted that no domestic enquiry was conducted.

10. He submits that MW2 who is said to be a member of the fact finding committee visited the Yashodha Super Speciality Hospital in the month of July, 2002 that one 3rd person was obtaining treatment in the name of Mr. Anjaiah and the petitioner admitted the same. He also admitted that no official has constituted fact finding committee and he only says that he asked the sister and the sister identified a person without hands as Mr. Anjaiah. He has not even examined any doctor. Can any person be given a major punishment of dismissal on such evidence.

11. He further relies on A.P. High Court full report 2002 (5) ALD page 211 where full bench consisting of 5 Hon'ble Judges decided that National Remote Sensing Agency is an industry. Absence of profit notice is not an adhesives factor. Their Lordships held even the research institution are even the research institutes although run without profit motive are the industries, (i) Professions, (ii) Clubs. (iii) Educational Institutions, co-operatives,

(iv) research institutes, (v) charitable projects and (vi) other kindred adventures cannot be exempted from the scope of Section 2 (i) of the Act, provided they fulfil the triple test viz., (i) systematic activity, (ii) organized by co-operation between employer and employee (the direct and substantial element is chimerical) and (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes not spiritual or religious but inclusive of material things or services geared to 'celestial bliss' i.e. Making, on a large scale prasad or food). He, therefore, prays that as the evidence is not sufficient and as the above cited Judgement is an support of the petitioner in the petition may be allowed.

12. It is argued by the learned counsel for the respondent that although it will not be binding on this court but yet it being cited as of percussive value where Labour Court, Jabalpur in award dated 8th January 2004 has held that the employer is not an industry and therefore it cannot be challenged in CGIT, Jabalpur.

13. He also relies on the Judgement of the Hon'ble High Court in 1928 SCC LNS page 806 wherein their lordships held that the Coir Board is an institution discharging governmental functions although it is carrying on the activity of research in a systematic manner. Yet it lacks element which would make it an organization carrying on an activity which can be said to be analogous would carrying on of a trade or business because it is not producing and distributing services which are entitled or meant for satisfying human wants and needs as ordinarily understood. He, therefore, submits that firstly this court has no jurisdiction, secondly it is the petitioner who is admitted his guilty not at one place but at several places and therefore the patient does not warrant any interference by the Hon'ble Court.

14. The petitioner was first appointed as a Tea Maker. Thereafter he was absorbed in the post of Security Guard in the month of July 1991. The question first arises he is whether the respondent is an industry or not. The full title of the respondent is, Atomic Minerals Directorate for Exploration and Research, Department of Atomic Energy. Let us see what activity is carried out by the respondent. As per Ex. M1 it is a Research and Development organization directly under the control of the Hon'ble Prime Minister of India has a number of organizations under its control and respondent namely atomic mineral for directorate exploration research, Hyderabad which is a board of research in nuclear science and national board of higher mathematics is not an industry. Therefore, he submits first of all it is not an industry, secondly even if the Hon'ble Court comes to the conclusion that it is an industry, yet the punishment of compulsory retirement is just and proper which is on his own admission and admittedly his father got both the hands whereas the patient was not having both the hands.

15. It may be noted that first it has to be decided whether it is an industry or not. The Tribunal-cum-Labour Court, Jabalpur decided in award passed on 8-1-2004 that the Regional Director, Atomic Mineral Division, Western Region of Nagpur is not an industry. No doubt, the said Judgement is not binding on me. Yet, we have to see both

in the light of the two High Court Judges cited by either side. 5 judge of the Hon'ble High Court of A.P. have held in 2002 (5) ALD page 211 that National Remote Sensing Agency is an industry carrying an systematic activity with the cooperation to itself and its employees for the production and distribution of material service calculated to satisfy the human wants and wishes. There is the Judgement of the Supreme Court cited by the respondent counsel 1988 Supreme Court cases LS 806 wherein their lordships have relied on the Bangalore Water Supply and quoted that from Judgement. Further in the Judgement of the Jabalpur Court, CGIT, my learned brother also referred to a case decided by CGIT, Dhanbad where in also Atomic Mineral Division was held not to be an industry. Further the very fact that the CGHS card had been given to the petitioner itself suggests that he would come under the very fact and it goes to show that he comes under fundamental rules and supplementary rules CCS conduct rules 1964 CCS (CCA) rules 1965 framed under the proviso to Article 309 of the constitution. Further the Judgement in 1998 High Court case LNS page 806 will apply to this case on all aspects because the activity carried on by the respondent is to survey and explore rare minerals like Uranium, Thorium etc., no mining activity is done or manufacturing process of production of atomic energy is done to attract the provision of the ID Act. Hence, I hold that the petitioner is not a workman under the ID Act 1947. Hence the petitioner U/Sec. 2A(2) is not maintainable before this court as this court has no jurisdiction. It is not necessary for this court to decide whether the punishment of compulsory retirement is correct or not and whether the charges alleged against the petitioner are proved or not. Award passed handing that this court has no jurisdiction to entertain the claim of the petitioner.

Dictated to Sri P. Kanaka Raju, LDC transcribed by him corrected and pronounced by me on this 4th day of April, 2005.

E. ISMAIL, Presiding Officer

Appendix of Evidence

Witness examined for the petitioner :

WW1

Witness examined for the respondent :

MW1

MW2

Documents marked for the petitioner

- Ex. W1 : Termination order dated 2-12-2002
- Ex. W2 : Appeal order dated 9-4-2003
- Ex. W3 : Representation dated. 23-7-2003
- Ex. W4 : Memorandum dated. 9-10-2002
- Ex. W5 : Memorandum dated. 16-7-2002
- Ex. W6 : Letter dt. 15-1-2003 addressed to the Director, Atomic Minerals Directorate.

Documents marked for the respondent

- Ex. M1 : The Organisation structure statement.
- Ex. M2 : attested letter dated 29-10-99

- Ex. M3 : the attested copy of CGHS card of the petitioner
- Ex. M4 : the true attested copy of certificate issued by Yashoda Hospital
- Ex. M5 : the charge sheet issued to petitioner
- Ex. M6 : the letter from the petitioner to the C.A.O. dt. 30-10-2002
- Ex. M7 : the attested true copy of Disciplinary proceedings dt. 6-11-2002
- Ex. M8 : the letter from the petitioner of A.Q. dt. 14-11-2002
- Ex. M9 : the true copy of the penalty order imposed by D.A. dt. 2-12-2002
- Ex. M10 : the attested copy of the appeal dt. 15-1-2003
- Ex. M11 : the attested true copy of the order of A.A. dated. 9-4-2003
- Ex. M12 : the returned postal envelop copy
- Ex. M13 : the statement of security personnel Sri T. Ramachander regarding the service of pension papers.
- Ex. M14 : the telegram issued to the petitioner to collect the pension papers.
- Ex. M15 : the attested true copy of medical record in the name of D. Anjaiah admitted at Yashoda Hospital, Hyderabad.

नई दिल्ली, 2 अगस्त, 2005

का.आ. 3070.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 224/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-07-2005 को प्राप्त हुआ था।

[सं. एल-29025/26/2005-आई आर (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 2nd August, 2005

S.O. 3070.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 224/2001) of the Central Government Industrial Tribunal-cum-Labour court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Life Insurance Corp. of India and their workman, which was received by the Central Government on 29-07-2005.

[No. L-29025/26/2005-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
ATHYDERABAD****Present : Shri E. Ismail, B.Sc., LL.B.,
Presiding Officer****Dated the day of 19th April, 2005****INDUSTRIAL DISPUTE L.C.I.D. No. 224/2001.****BETWEEN :**K. Veeraiah,
S/o. Late Sri Raghavulu,
R/o. H. No. 11-23-1559,
Warangal

... Petitioner

ANDThe Branch Manager,
Life Insurance Corporation of India,
Branch Office,
Station Road,
Warangal-506 002.

... Respondent

Appearances :For the Petitioner : Sri M. Kamala Manohar,
AdvocateFor the Respondent : Sri D. Janardhan,
Advocate.**AWARD**

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 by the Labour Court, Hyderabad in view of the Judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 bearing I.D. No. 35/2002 and renumbered in this Court as L.C.I.D. No. 224/2001.

2. The petitioner was orally appointed as sweeper in the respondent corporation in the 1977 year and was paid Rs. 45/- per month as salary which went on increasing subsequently. The office was shifted to Station Road, Warangal. There also he was working. On 14-5-1983 wife of the petitioner was admitted in the hospital for delivery, the petitioner was performed his duties as has attended hospital with the permission of the respondent authorities. But he was not allowed in to duties on 18-5-1983. His services were dispensed with by oral termination without following 25(F) and without giving any notice or one month salary. While he was sweeping, he found many Rs. 100/- notes which he handed over to the Branch Manager and the Branch Manager being satisfied offered him Rs. 30/-. After disengaging him, another person by name Mr. Sammayya was appointed as sweeper and he is still working. The petitioner worked from 1977 to 17-5-1983 and approached the respondent authority several times, but to know avail. Hence, he may be reinstated with back wages and full benefits.

3. A counter was filed denying his engagement and alleged termination and the dispute is raised after 18 years and it is nothing but concocted story.

4. The petitioner deposed as a WW1 and stated facts in the petition in the chief examination.

5. In the cross-examination, he deposed that the has no documents to show that he had worked from 11-5-1977 to 18-5-1983. He has not proved that he was paid any salary. He denied that he is deposing falsely.

6. Sri Narayana Rao, S/o Krishna, Assistant Administrative Officer, deposed that the petitioner was never engaged or he ever worked for 240 days in a year that the petitioner never raised any dispute at the office of the respondent. It is a created story.

7. In the cross-examination, he deposed that he is working since 1972. He was appointed at Visakhapatnam. It is true that Mr. Srinivas Rao, Assistant Manager and the Gowri was the Branch Manager. He cannot say the name of the sweepers who worked during 1977-83. He has not filed any documentary evidence to show that the petitioner name was not there. He can only say that the petitioner has not worked.

8. The arguments were heard both sides. The petitioner continuously absent from 26th September till December, 2004. Hence the case was reserved for award. I have gone through the entire evidence. There are two points to be noted that the petitioner according to him, he dismissed in 1983 and approached this Court in the 2000 year and he could not place even a scrape of paper and admitted that the respondent did not give anything to him. But he could have protested in writing from 1983 to 2000 that also has not been done and in the circumstances, there being no evidence on record and further he has approached this court after a lapse of 17 to 18 years. Hence I am of the opinion that the petitioner is not entitled for any relief accordingly a nil award in passed. Transmit.

Dictated to Sri P. Kanaka Raju, LDC transcribed by him corrected and pronounced by me on this 19th day of April, 2005.

E. ISMAIL, Presiding Officer

Appendix of Evidence

No oral or documentary evidence is adduced by either parties.

नई दिल्ली, 2 अगस्त, 2005

का.आ. 3071:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स जुआरी सीमेंट लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 199/03) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-07-2005 को प्राप्त हुआ था।

[सं. एल-29025/22/2005-आई आर (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 2nd August, 2005

S.O. 3071.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 199/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. Zuari Cements Limited and their workman, which was received by the Central Government on 29-07-2005.

[No. L-29025/22/2005-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT HYDERABAD

PRESENT : Shri E. Ismail, Presiding Officer

Dated the 4th day of March, 2005

Industrial Dispute L.C.I.D. No. 199/2003

BETWEEN :

Sri Ch. Nagaraju
S/o. Ch. Badraiah
R/o. J. Block. Classic Towers,
III floor, Ratnamamba Street,
Moghulrajapuram,
Vijayawada.

... Petitioner

AND

1. The Deputy General Manager,
M/s. Zuari Cement Limited,
Krishna Nagar,
Yerraguntla-516311.

2. The Managing Director,
M/s. Zuari Cements Limited,
1, 10th Main, HAL III Stage,
Jeevan Bhima Nagar,
Bangalore-560 075.

... Respondent

APPEARANCES :

For the Petitioner : M/s. K. Ajay Kumar,
M. Govind & Sudha,
Advocates.

For the Respondent : M/s. M. Radha Krishna Murthy,
D. Vijaya Krishna Mohan,
K. Pinakapani &
V. V. S. S. Kumar,
Advocates.

ORDER

This is a case taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and notices were issued to parties.

2. The Petitioner filed this petition stating that he joined the company as a sales officer. That at the time of

his joining the Company the name of the Company was M/s. Texmaco Limited and subsequently it was renamed as M/s. Zuari Cements Ltd. That he was promoted as Senior Marketing Officer in the year 1990. That the Respondent Company is an industry within the meaning of Sec. 2(j) of the Industrial Disputes Act, 1947 and he is a workman under the meaning of Sec. 2A of the Industrial Disputes Act, 1947. That he was illegally terminated hence, he filed this petition.

3. A counter was filed stating that the Respondent has promoted the Petitioner as Senior Marketing Officer. The Petitioner also got the power to propose the credit limits to the dealers based on their credit worthiness. He was responsible for promotion of the Respondent brand cements. The Petitioner was Incharge of entire Krishna District at the time of his termination and was responsible for promotion of Respondent brand cements and its sales in the District. He was drawing more than Rs. 1600/- p.m. Hence, he is not a workman under Industrial Disputes Act, 1947 and the Petitioner may be dismissed.

4. In this background IA No. 58/2004 was filed by the Management. It is stated in the IA that the Petitioner in the main ID is not a workman within the meaning of Sec. 2(j) of the Industrial Disputes Act, 1947. Hence, maintainability of the present Petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 itself is doubtful. Hence, it may be decided first whether the ID is maintainable. A counter was filed by the workman (in IA 58/2004). That the Respondent Company is an industry. That he used to contact various dealers and customers. That the said dealers and customers were not supervised by the Petitioner. Hence, he is a workman. He was not having supervisory or administrative or managerial powers. Although he was given the designation of Senior Marketing Officer, the nature of work assigned to him is of a workman. Hence, the IA 58/2004 may be dismissed.

6. Arguments were advanced on the same lines and the Respondent's counsel in this IA further cited a full bench judgement of the Hon'ble High Court of A.P., wherein their Lordships held that "Sec. 40 and 41 of A.P. Shops and Establishments Act, do not render Sec. 2A of the Industrial Disputes Act, 1947 inoperative in so far as it relates to the State of Andhra Pradesh in respect of matters covered by those sections of the Shops Act and to a dispute arising out of the termination of the service of a shop employee the provisions of that section could be invoked even when his cause is not espoused by a Union or a number of workmen, in the absence of a union."

7. It may be noted that this Court has held that in spite of the Shops and Establishments Act one can approach in Industrial Disputes Act, 1947. It may be seen that the very appointment letter dated 13-8-93 shows that his basic salary was Rs. 1800 + FDA of Rs. 250 + Conveyance allowance of Rs. 300, in addition he was reimbursed Rs. 600 p.m. towards HRA and towards General Allowance Rs. 200 and the very appointments is as Sales Officer and even according to the Petitioner in the main ID he was promoted in the year 1999 as Senior Marketing Officer and he was drawing Rs. 14,153 p.m. in that capacity.

So obviously he does not come under the definition of workman as defined under the Industrial Disputes Act, 1947. He had a lot of responsibility as Senior Marketing Officer like indentifying the prospective and potential dealers, interviewing the dealer and selection of dealers and selection of dealers on the basis of their track record, market reputation, financial strength etc., and he was Incharge of the entire Krishna District. Hence, it cannot be said by any stretch of imagination that he was a workman. Hence, the petition is allowed holding that the ID is not maintainable and the Petitioner in the main ID is not a workman.

8. Hence, this LCID No. 199/2003 is dismissed in view of the IA No. 58/2004 dated 24-3-2005, which was allowed holding that the Petitioner is not a workman under Industrial Disputes Act, 1947 and hence, the main petition is not maintainable.

Ordered accordingly.

Dictated to Smt. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me in the Open Court on this the 24th day of March, 2005.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 2 अगस्त, 2005

का.आ. 3072.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स जुआरी सीमेंट्स लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 306/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-07-2005 को प्राप्त हुआ था।

[सं. एल-29025/23/2005-आई आर (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 2nd August, 2005

S.O. 3072.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 306/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. Zuari Cements Limited and their workman, which was received by the Central Government on 29-07-2005.

[No. L-29025/23/2005-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT : Shri E. Ismail, Presiding Officer

Dated the 24th day of March, 2005

INDUSTRIAL DISPUTE M.P. NO. 306/2003

BETWEEN:

Sri Ch. Nagaraju,
S/o. Ch. Badraiah,
R/o. J. Block, Classic Towers,
III floor, Ratnamamba Street,
Moghulrajapuram,
Vijayawada.

... Petitioner

AND

The Deputy General Manager,
M/s. Zuari Cement Limited,
Krishna Nagar,
Yerraguntla-516 311.

... Respondent

APPEARANCES:

For the Petitioner : M/s. K. Ajay Kumar,
M. Govind & Sudha,
Advocates.

For the Respondent : M/s. M. Radha Krishna Murthy,
D. Vijaya Krishna Mohan,
K. Pinakapani &
V. V. S. S. Kumar, Advocates.

ORDER

The Petitioner filed this petition stating that he is entitled for difference of wages for the period 1-8-2002 to 20-3-2003. That he joined the company as a sales officer. That at the time of his joining the Company the name of the Company was M/s. Texmaco Limited and subsequently it was renamed as M/s. Zuari Cements Ltd. That he was promoted as Senior Marketing Officer in the year 1990. That the Respondent Company is an industry within the meaning of Sec. 2(j) of the Industrial Disputes Act, 1947 and he is a workman under the meaning of Sec. 2A of the Industrial Disputes Act, 1947. That after his termination, the Management made final settlement of his account and has not given any amount to him as made in the final settlement. That the Management adjusted the said amount towards the outstanding dues of the Petitioner with the Company.

It is submitted that the Company sent a statement of final settlement dt. 12-6-2003 to Petitioner in which it is categorically stated that the salary payable for the period 1-8-2002 to 9-3-2003 is Rs. 64683/-. But the contention of the Petitioner is that he is eligible pay for the period from 1-8-2002 to 20-3-2003 amounting to Rs. 1,07,611/- hence he filed this Petition for the difference of Rs. 42,928.

3. A counter was filed stating that the Respondent has promoted the Petitioner as Senior Marketing Officer. The Petitioner also got the power to propose the credit

limits to the dealers based on their credit worthiness. He was responsible for promotion of the Respondent brand cements. The Petitioner was Incharge of entire Krishna District at the time of his termination and was responsible for promotion of Respondent brand cements and its sales in the District. He was drawing more than Rs. 16,000 p.m. Hence, he is not a workman under Industrial Disputes Act, 1947 and the Petition may be dismissed.

4. In this background IA No. 56/2004 was filed by the Management. It is stated in the IA that the Petitioner in the main ID is not a workman within the meaning of Sec. 2(j) of the Industrial Disputes Act, 1947. Hence, maintainability of the present Petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 itself is doubtful. Hence, it may be decided first whether the ID is maintainable. A counter was filed by the workman (in IA 58/2004). That the Respondent Company is an industry. That he used to contact various dealers and customers. That the said dealers and customers were not supervised by the Petitioner. Hence, he is a workman. He was not having supervisory or administrative or managerial powers. Although he was given the designation of Senior Marketing Officer, the nature of work assigned to him is of a workman. Hence, the IA 58/2004 may be dismissed.

6. Arguments were advanced on the same lines and the Respondent's counsel in this IA further cited a full bench Judgment of the Hon'ble High Court of A.P., wherein their Lordships held that "Secs. 40 and 41 of A.P. Shops and Establishments Act, do not render Sec. 2A of the Industrial Disputes Act, 1947 inoperative in so far as it relates to the State of Andhra Pradesh in respect of matters covered by those sections of the Shops Act and to a dispute arising out of the termination of the service of a shop employee; the provisions of that section could be invoked even when his cause is not espoused by a Union or a number of workmen, in the absence of a union."

7. It may be noted that this Court has held that in spite of the Shops and Establishments Act one can approach in Industrial Disputes Act, 1947. It may be seen that the very appointment letter dated 13-8-93 shows that his basic salary was Rs. 1800 + F.D.A of Rs. 250 + Conveyance allowance of Rs. 300, in addition he was reimbursed Rs. 600 p.m. towards HRA and towards General Allowance Rs. 200 and the very appointment is as Sales Officer and even according to the Petitioner in the main ID he was promoted in the year 1999 as Senior Marketing Officer and he was drawing Rs. 14,153 p.m. in that capacity. So obviously he does not come under the definition of workman as defined under the Industrial Disputes Act, 1947. He had lot of responsibility as Senior Marketing Officer like indentifying the prospective and potential dealers, interviewing the dealer and selection of dealers and selection of dealers on the basis of their track record, market reputation, financial strength etc., and he was Incharge of the entire Krishna District. Hence, it cannot be said by any stretch of imagination that he was a workman. Hence, the petition is allowed holding that the ID is not maintainable and the Petitioner in the main ID is not a workman.

8. Hence, this MP No. 306/2003 is dismissed, in view of the IA No. 56/2004 dated 24-3-2005, which was allowed holding that the Petitioner is not a workman under Industrial Disputes Act, 1947 and hence, the main petition is not maintainable.

Ordered accordingly.

Dictated to Smt. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me in the Open Court on this the 24th day of March, 2005.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

Nil

Documents marked for the Respondent

NIL

नई दिल्ली, 2 अगस्त, 2005

का.आ. 3073.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आन्ध्रा सीमेंट्स लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 143/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-7-2005 को प्राप्त हुआ था।

[सं. एल-29025/25/2005-आई आर (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 2nd August, 2005

S.O. 3073.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 143/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure. in the Industrial Dispute between the employers in relation to the management of Andhra Cements Limited and their workman, which was received by the Central Government on 29-7-2005.

[No. L-29025/25/2005-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT HYDERABAD

PRESENT : Shri E. ISMAIL, Presiding Officer

Dated the 31st March, 2005

L.C.I.D. No. 143/2002

(I.D. No. 244/99, Labour Court, Guntur)

Between :

1. Uppu Venkaiah, S/o Venkataiah
(Died per L.Rs. 2 to 9)
2. Uppu Ankalu, W/o Late Venkaiah
3. Uppu Venkateshwarlu,
S/o Late U. Venkaiah
4. Uppu Kondalu
S/o Late U.
Venkaiah
5. Uppu Edukondalu
S/o late U. Venkaiah
6. Uppu Srinu S/o Late U. Venkaiah
7. Uppu Narasimha S/o Late U Venkaiah
8. U Ramadevi D/o Late U Venkaiah
9. U Lakshmi D/o Late U Venkaiah

... Petitioner/
Workman

AND

The Employer,
Andhra Cement Ltd.
Srinagar, Dachepalli (M),
Guntur District

... Respondent

Appearances:

- For the Petitioner : Shri Satish Deshpande,
Advocate
- For the Respondent : Shri J. Nageshwara Rao &
PV Krishna Murthy,
Advocates.

ORDER

This is a case taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others bearing I.D. No. 244/99 filed under Sec. 2A (2) of the I.D. Act, 1947 before the Labour Court, Guntur and transferred to this Court in view of Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C-II) dated 18-10-2001. The I.D. was remembered in this Tribunal as L.C.I.D. No. 143/2002 and notices were issued to parties.

The brief facts stated in the claim Petition are that the Petitioner appointed as casual worker in the Respondent Company in October 1986, from the day of appointment he worked continuously. On the pretext of age of retirement he was stopped abruptly on 31-12-1998 and his name was struck off from the muster rolls without following any procedure as laid down in the law. He also stated that he has raised a dispute regarding his date of birth before the concerned civil court which is still pending.

Hence, he raised this dispute praying that the Hon'ble Court to direct the Respondent to reinstate him into service with continuity of service, back wages and all consequential benefits.

A counter was filed stating that the workman was never in the regular employment of the Respondent and his name was in the list of casual workers who are engaged against absenteeism, temporary and casual jobs etc. on work requirement basis. For the days of employment, payment at the prescribed rates were paid as applicable from time to time alongwith other facilities as per the applicable laws/rules. There is no implicit or explicit obligation for casual worker to be employed for any specific period or days.

While the case was coming for Petitioner's evidence, the Petitioner reported died and his Legal heirs were brought on record as per IA 59/2003 dated 25-6-2004 from which date Petitioners are continuously absent inspite of several adjournments have been given. On 31-3-2005 on perusing the record and hearing the respondent the court made the following award.

AWARD

No representation for Petitioner, continuously absent. Management representative Shri DV Rao, Senior Legal Officer present. As the Petitioners (L.Rs. of original Petitioner) not attending and there is nothing on record to support the case of the Petitioner hence a 'NIL' Award is passed. Transmit.

Written by me and pronounced in the open court on this 31st day of March, 2005.

E. ISMAIL, Presiding Officer

No oral or documentary evidence has been adduced by either side.

नई दिल्ली, 2 अगस्त, 2005

का.आ. 3074.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार श्री चक्रा सीमेंट्स लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 15/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-07-2005 को प्राप्त हुआ था।

[सं० एल-29025/24/2005-आईआर (विधि)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 2nd August, 2005

S.O. 3074.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 15/2004) of the Central Government Industrial Tribunal-cum-Labour-Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sri Chakra Cements Ltd. and their workman, which was received by the Central Government on 29-7-2005.

[No. L-29025/24/2005-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD****PRESENT:**

Shri T. Ramachandra Reddy, B.A., LL.B., Presiding Officer

Dated : 7th July, 2005

LCID. No. 15 of 2004**BETWEEN:**

Nunna Rangaiah

ANDThe Managing Director,
Gold Star Cements Ltd.,
"Sri Chakra Cements Limited"
Sri Narasimhapuri, Karampudi,
Guntur District.**APPEARANCE**For Petitioner : Shri K. Ajay Kumar & D. Balaraju,
Advocates.For Respondent : Shri C. Niranjan Rao, V. Hari Haran
& M. Subrahmanya Sastry,
Advocates.

This is a Petition filed under Section 2(A) (2) of the ID Act, 1947 by the Petitioner praying this court to direct the Respondent to reinstate the applicant with back wages, continuity of service and all other attendant benefits. The case was numbered and notices were issued to parties. On 7-7-2005 Petitioner's advocate filed a memo stating that the Management has reinstated the Petitioner and assurance given for all consequential benefits and requested to close the case as withdrawn with a liberty to file a fresh case if the management adopts any unfair labour practice. Upon perusing the material on record and memo and hearing the Petitioner, the court passed the following Award :

AWARD

Petitioner's advocate present and represented that Respondent Management have reinstated the Petitioner into service and assured to give consequential benefits. As such not pressing the matter with a liberty to file fresh case if the Respondent adopts unfair labour practices and also filed a memo to that effect. Hence Petition dismissed with said reservation.

Typed by LDC to my dictation, corrected and pronounced by me on this 7th day of July 2005.

T. RAMACHANDRA REDDY, Presiding Officer

No oral or documentary evidence has been adduced by either side.

ई दिल्ली, 2 अगस्त, 2005

का.आ. 3075.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार से, मद्रास सीमेंट्स लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच,

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 171/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-07-2005 को प्राप्त हुआ था।

[सं० एल-29025/19/2005-आई आर (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 2nd August, 2005

S.O. 3075.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 171/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Madras Cements Ltd. and their workmen, which was received by the Central Government on 29-7-2005.

[No. L-29025/19/2005-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD****PRESENT:**

Shri E. Ismail, B.Sc., LL.B., Presiding Officer

Dated the 15th day of April, 2005

Industrial Dispute L.C.I.D. No. 171/2003(Old I.D. No. 103 of 2000 Transferred from
Labour Court : Guntur)**BETWEEN:**

Shri M. Rayappa

.....Petitioner

ANDThe employer,
M/s. Madras Cements Ltd.,
Jayanthipuram,
Krishna District

.....Respondent

APPEARANCES:

For the Petitioner : Shri U. Janaki Raju, Advocates

For the Respondent : M/s. B. Y. Narayan Reddy and
Raj Kishan Mehra, Advocates.**AWARD**

This is a case taken under Sec. 2 A (2) of the I.D. Act, 1947 by the Labour Court, Guntur in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's order No. H-11026/1/2001-IR (C-II) dated 18-10-2001 bearing I.D. No. 103/2000 and renumbered in this Court as L.C.I.D. No. 171 of 2003.

2. The brief facts of the case as stated in the claim Petition are that the Petitioner was Mechanical-charge-hand in Madras Cements Ltd., Jayanthipuram, Krishna District. He was appointed on 1-2-1988 and dismissed on 8-7-1991.

On 29-4-1990, the concerned police, Chillakallu took away the workman from residence quarter alongwith another delinquent employee to the main gate of the factory at 8.30 PM. Another delinquent employee by name Shri Rama Krishna was also picked up there and gone to Police Station, Chillakallu. This was happened based on report of the Security Officer of the company. And the Management in turn alleged theft against the Petitioner. Immediately on release on bail he went on 9-5-1990 to resume duty but he was told that he was kept under suspension from today. On 16-5-1990, he received a charge-sheet and show-cause notice & suspension order dated 9-5-1990. Much is said about the Domestic enquiry but this court by a detailed order dated 24-9-2004 held that the domestic enquiry is validly conducted. The workman was acquitted in Criminal Appeal No. 106/95 on 31-7-1997 by the 1st Addl. Dist. & Sessions Judge, Machilipatnam. First against the dismissal dated 8-7-1991 the petitioner filed ID No. 551/91 but due to default a NIL Award was passed on 4-1-1996 and published on 2-7-1996 therefore IA 428/1996 filed for restoration which was dismissed for default on 8-5-1997, again another IA 219/98 was filed which also was dismissed on 30-11-1999. Hence, he was not slept on his rights he may be reinstated with continuity of service.

3. A counter was filed stating that the claimant was working as chargehand in the company before the offence was committed. It was reported by the Chief Mechanical Engineer (Auto) that on 28-4-1990 at about 19.00 hours, he detected missing of spare parts i.e. Governor and Fuel Pump of K.T. 1150 Generator from the tool room of Auto Garage. Subsequent enquiries revealed that the petitioner alongwith the help of Mr. Y. Sivaramakrishna, Machinery attendant, Raw Mill and Mr. Ch. Suvama Raju, Diesel Mechanic, Auto Garage have committed theft of these spare parts valued at Rs. 1 lakh, took them out of the company's premises and kept them in possession of Sri Rama Chandra Auto Agencies, Vijayawada with a dishonest intention to misappropriate the same and thus cause financial loss to the company and wrongful gain to himself to a tune of Rupees One Lakh. On a complaint given by the respondent to the Police, the Police recovered the stolen property from the possession of Sri Ramachandra Auto Agencies, Vijayawada. The police have arrested the petitioner and filed a chargesheet against him for theft in the Munsif Magistrate Court, Jaggayyapet in CC No. 117/90, which ended in conviction of the applicant. He preferred an appeal in the Addl. Dist. & Sessions Court, Machilipatnam, where he was acquitted giving him benefit of doubt. The state has preferred an appeal to the High Court of AP on that order in Cr. Appeal No. 1621 which is still pending in the court. In addition to this misconduct, the petitioner has been very irregular in his attendance and he had been absent since 30-4-1990 without obtaining any prior permission causing dislocation in the work of his department and undermining the general discipline among the workers. The enquiry was conducted properly and he was dismissed from service from 8-7-1991 that also he filed ID 551/91. He was irregular in attending the proceedings and due to default, a NIL Award was passed on 4-1-1996 and published on 2-7-1996. Therefore IA 428/1996 filed for restoration of

ID 551/91, which was dismissed for default on 8-5-1997, again another IA 219/98 was filed which was also dismissed on 30-11-1999. The attitude is very clear hence, the petition may be dismissed.

4. The court by order dated 24-10-2004 held that the domestic enquiry was valid. The only question is either any relief can be given under Section 11(A) of ID Act.

5. It is argued by the learned counsel for the petitioner that the enquiry was not conducted properly and he relied on MM Rubber Co. Vs Addl. Labour Court (1980) 2 LLJ 192 (MAD) where it was held Criminal proceedings and disciplinary proceedings operates in different fields. If the criminal court acquits an accused on merits finding him innocent it is certainly not open to any tribunal much less an offence in a domestic enquiry to find him guilty in same charges. The dismissal of an employee on basis of such Domestic enquiry in spite of acquittal by criminal court would be in valid and such workman is entitled for reinstatement with back wages.

6. Even the chargesheet was filed under Sec 411 of IPC not under 397 IPC. With regard to maintainability, the court numbered the case subject to objection but in view of certain Judgement it is not a contested award, fresh can be filed for same relief.

7. It is argued by the learned counsel for the Respondent that the petitioner namely Mr. M Rayappa and petitioner in another case LCID 172/2003 Shri Suvama Raju have indulged in theft of Generator and Fuel Pump and kept them in possession of Shri Rama Chandra Auto Agencies, Vijayawada. CC 117/1990 ended in conviction, on appeal the petitioner was acquitted on technical grounds. The state moved a Cr. Appeal 1621 before Hon'ble High Court of A.P. which is still pending. Even he acquitted in Cr. Appeal, it does not debar the employer from proceeding with domestic enquiry. Same dispute was raised and award was passed. This Hon'ble Tribunal while upholding the validity of Domestic enquiry absorbed thus "the enquiry officer has given his findings with reasoning that the shop owner has given a statement that the petitioner and two others came to him and gave the stolen articles. All this goes to show that his conclusions are reasonable and that the findings are given with reasonings". Even otherwise, there is res judicata. He relied on 2001 SLR where the workman was a conductor found guilty of charges as he had embezzled money belonging to the public, Management entirely loses confidence, hence the award of the tribunal reinstating the workman into service was set aside. He also relied on 1990 LLR 407 Madras High Court where section 11 of ID Act is not meant for doing charity. He also relied on 2000 LAB IC 3302 where in lordships of Supreme Court held that charges of breach of trust and misappropriation of goods established, reinstating the employee is unjustified.

8. No doubt, he was acquitted by the Addl. Dist. & Sessions Judge because the Rambabu was not examined from where the M.O's were recovered. In the enquiry, no doubt, as the shop owner is not examined in the criminal case, here also the said Rambabu is not examined. But I held that the domestic enquiry is fairly held and acquittal in a criminal case itself is not a bar to conduct a Domestic

Enquiry. Further, the very conduct of the petitioner in ID 551/91, thereafter in setting-aside petition again another petition on 30-11-1999 and again coming to this court in 2000 goes to show that he himself is not interested and although the Criminal Appeal was disposed off in 11-3-1997 even then he got restoration petition dismissed due to not evincing any interest in the matter. Suffice it to so the previous award is not set aside according to petitioner himself filed it in 1991, a NIL award is passed in 1996. Again no. of petitions were filed which were also dismissed. Hence, for the same relief he cannot approach by a fresh petition. By even other side, I held that the Enquiry Officer has conducted the enquiry fairly and properly and the management has lost confidence and within 2 years of his appointment, all this happened. Therefore, it is not a fit case to interfere with the dismissal order. Hence, the dismissal order is confirmed and award is passed holding that the petitioner is not entitled for any relief.

Award passed accordingly. Transmit.

Dictated to Shri J Vijaya Sarathi, LDC transcribed by him corrected and pronounced by me on this the 15th day of April 2005.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

- Ex. W1 : Order in Criminal Appeal No. 106/95 dated 31-7-97 by 1st Addl. Dist. & Sessions Judge, Machilipatnam.
- Ex. W2 : Letter to Enquiry Officer & Management dated 19-7-90
- Ex. W3 : Reply to Ex. W2 to workman (from E.O.) dated 8-8-90
- Ex. W4 : Show-cause Notice-dismissal-notice to workman dated 5-6-91.

Documents marked for the Respondent

NIL

नई दिल्ली, 2 अगस्त, 2005

का.आ. 3076.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मद्रास सीमेंट्स लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के मंचाट (संदर्भ संख्या 172/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-07-2005 को प्राप्त हुआ था।

[सं. एल-29025/20/2005-आईआर (विविध)]

बी.एम. डेविड, अवसर सचिव

New Delhi, the 2nd August, 2005

S.O. 3076.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 172/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad now as shown in the Annexure

in the Industrial Dispute between the employers in relation to the management of Madras Cements Ltd. and their workmen, which was received by the Central Government on 29-7-2005.

[No. L-29025/20/2005-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri E. ISMAIL, B.Sc., LL.B., Presiding Officer

Dated the 15th day of April, 2005

Industrial Dispute L.C.I.D. No. 172/2003

(Old I.D. No. 104 of 2000 Transferred from
Labour Court : Guntur)

BETWEEN:

Shri Ch. Suvama Raju

.....Petitioner

AND

The employer,
M/s Madras Cements Ltd.,
Jayanthipuram,
Krishna District

.....Respondent

APPEARANCES:

For the Petitioner : Shri U. Janaki Raju, Advocate

For the Respondent : M/s B. Y. Narayan Reddy and
Raj Kishan Mehra, Advocates.

AWARD

This is a case taken under Sec. 2 A(2) of the I.D. Act, 1947 by the Labour Court, Guntur in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's order No. H-11026/1/2001-IR (C-II) dated 18-10-2001 bearing I.D. No. 104/2000 and renumbered in this Court as L.C.I.D. No. 172 of 2003.

2. The brief facts of the case as stated in the claim Petition are that the Petitioner was Diesel Mechanic in Madras Cements Ltd., Jayanthipuram, Krishna District. He was appointed on 30-11-1985 and dismissed on 8-7-1991. On 29-4-1990 the concerned police, Chillakallu took away the workman from residence quarter of Shri M. Rayappa alongwith another delinquent employee to the main gate of the factory at 8.30 PM. Another delinquent employee by name Shri Rama Krishna was also picked up there and gone to Police Station, Chillakallu. This was happened based on report of the Security Officer of the Company. And the Management in turn alleged theft against the Petitioner. Immediately on relies on bail he went on 9-5-1990 to resume duty but he was told that he is kept under suspension from today. On 16-5-1990, he received a charge-sheet and show-cause notice and suspension order dated 9-5-1990. Much is said about the Domestic Enquiry but this court by a detailed order dated 24-9-2004 held that

the domestic enquiry is validly conducted. The workman was acquitted in Criminal Appeal No. 106/95 on 31-7-1997 by the 1st Addl. Dist & Sessions Judge, Machilipatnam. First against the dismissal dated 8-7-1991 the petitioner filed ID No. 553/91 but due to default a NIL Award was passed on 4-1-1996 and published on 2-7-1996 therefore IA 428/1996 filed for restoration which was dismissed for default on 8-5-1997, again another IA 221/98 was filed which also was dismissed on 30-11-1999. Hence, he was not slept on his rights he may be reinstated with continuity of service.

3. A counter was filed stating that the claimant was working as Diesel Mechanic in the company before the offence was committed. It was reported by the Chief Mechanical Engineer (Auto) that on 28-4-1990 at about 19.00 hours, he detected missing of spare parts i.e. Governor and Fuel Pump of K.T. 1150 Generator from the tool room of Auto Garage. Subsequent enquiries revealed that the petitioner alongwith the help of Mr. Y Sivaramakrishna, Machinery attendant, Raw Mill and Mr. M. Rayappa Mechanical Charge-hand have committed theft of these spare parts valued at Rs. 1 lakh, took them out of the company's premises and kept them in possession of Sri Rama Chandra Auto Agencies, Vijayawada with a dishonest intention to mis-appropriate the same and thus cause financial loss to the company and wrongful gain to himself to a tune of Rupees One Lakh. On a complaint given by the respondent to the Police, the Police recovered the stolen property from the possession of Sri Rama Chandra Auto Agencies, Vijayawada. The police have arrested the petitioner and filed a chargesheet against him for theft in the Munsif Magistrate Court, Jaggayyapet in CC No. 117/90, which ended in conviction of the applicant. He preferred an appeal in the Addl. Dist. & Sessions Court, Machilipatnam, where he was acquitted giving him benefit of doubt. The state has preferred an appeal to the High Court of AP on that order in Cr. Appeal No. 1621 which is still pending in the court. In addition to this misconduct, the petitioner has been very irregular in his attendance and he had been absent since 30-4-1990 without obtaining any prior permission causing dislocation in the work of his department and undermining the general discipline among the workers. The enquiry was conducted properly and he was dismissed from service from 8-7-1991 that also he filed ID 553/91. He was irregular in attending the proceedings and due to default, a NIL Award was passed on 4-1-1996 and published on 2-7-1996. Therefore IA 428/1996 filed for restoration of ID 553/91, which was dismissed for default on 8-5-1997, again another IA 221/98 was filed which was also dismissed on 30-11-1999. The attitude is very clear hence, the petition may be dismissed.

4. The court by order-dated 24-10-2004 held that the domestic enquiry was valid. The only question is either any relief can be given under Section 11(A) of ID Act.

5. It is argued by the learned counsel for the petitioner that the enquiry was not conducted properly and he relied on MM Rubber Co. Vs Addl. Labour Court (1980) 2 LLJ 192 (MAD) where it was held Criminal proceedings and disciplinary proceedings operates in different fields. If the

criminal court acquits an accused on merits finding him innocent it is certainly not open to any tribunal much less an offence in a domestic enquiry to find him guilty in same charges. The dismissal of an employee on basis of such Domestic enquiry inspite of acquittal by criminal court would be in valid and such workman is entitled for reinstatement with back wages.

6. Even the chargesheet was filed under Sec 411 of IPC not under 397 IPC. With regard to maintainability, the court numbered the case subject to objection but in view of certain Judgement it is not a contested award, fresh can be filed for same relief.

7. It is argued by the learned counsel for the Respondent that the petitioner namely Mr. CH. Sauvarna Raju and petitioner in another case LCID 171/2003 Shri M. Rayappa have indulged in theft of Generator and Fuel Pump and kept them in possession of Shri Rama Chandra Auto Agencies, Vijayawada. CC 117/1990 ended in conviction, on appeal the petitioner was acquitted on technical grounds. The state moved a Cr. Appeal 1621 before Hon'ble High Court of A.P. which is still pending. Even he acquitted in Cr. Appeal, it does not debar the employer from proceeding with domestic enquiry. Same dispute was raised and award was passed. This Hon'ble Tribunal while upholding the validity of Domestic enquiry absorbed thus "the enquiry officer has given his findings with reasoning that the shop owner has given a statement that the petitioner and two others came to him and gave the stolen articles. All this goes to show that his conclusions are reasonable and that the findings are given with reasonings". Even otherwise, there is resjudicata. He relied on 2001 SLR where the workman was a conductor found guilty of charges as he had embezzled money belonging to the public, Management entirely losses confidence, hence the award of the tribunal reinstating the workman into service was set aside. He also relied on 1990 LLR 407 Madras High Court where section 11 of ID Act is not meant for doing charity. He also relied on 2000 LAB IC 3302 where in lordships of Supreme Court held that charges of breach of trust and misappropriation of goods established, reinstating the employee is unjustified.

8. No doubt, he was acquitted by the Addl. Dist. & Sessions Judge because the Rambabu was not examined from where the M.O's were recovered. In the enquiry, no doubt, as the shop owner is not examined in the criminal case, here also the said Rambabu is not examined. But I held that the domestic enquiry is fairly held and acquittal in a criminal case itself is not a bar to conduct a Domestic Enquiry. Further, the very conduct of the petitioner in ID 553/91, thereafter in setting-aside petition again another petition on 30-11-1999 and again coming to this court in 2000 goes to show that he himself is not interested and although the Criminal Appeal was disposed off in 11-3-1997 even then he got restoration petition dismissed due to not evincing any interest in the matter. Suffice it to so the previous award is not set aside according to petitioner himself filed it in 1991, a NIL award is passed in 1996. Again no. of petitions were filed which were also dismissed. Hence, for the same relief he cannot approach

by a fresh petition. By even other side, I held that the Enquiry Officer has conducted the enquiry fairly & properly and the management has lost confidence and within 2 years of his appointment, all this happened. Therefore, it is not a fit case to interfere with the dismissal order. Hence, the dismissal order is confirmed and award is passed holding that the petitioner is not entitled for any relief.

Award passed accordingly. Transmit.

Dictated to Shri J. Vijaya Sarathi, LDC transcribed by him corrected and pronounced by me on this the 15th day of April. 2005.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

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- Ex. W2 : Letter to Enquiry Officer & Management dated 19-7-90.
- Ex. W3 : Reply to Ex. W2 to workman (from E.O.) dated 8-8-90.
- Ex. W4 : Show-cause Notice-dismissal-notice to workman dated 5-6-91.

Documents marked for the Respondent

NIL

नई दिल्ली, 2 अगस्त, 2005

का.आ. 3077.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाइटेड बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 8/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[सं० एल-12025/3/2005-आईआर (बी-II)]

सी० गंगाधरण, अवर सचिव

New Delhi, the 2nd August, 2005

S.O. 3077.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 8/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of United Bank of India and their workman, which was received by the Central Government on 27-7-2005.

[No. L-12025/3/2005-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT: Shri B.I. Kazi B. Sc., L.L.M.,
Presiding Officer

Industrial Dispute No. 8/2004
(Old I.T.C. No. 6/92 Transferred from
I.T. Ahmedabad)

The Regional Manager,
United Bank of India,
25, Sir P.M. Road, Fort,
Bombay-400 001

.....First Party

V/s.

United Bank of India,
Sramik Karmachari Samity,
C/o United Bank of India,
Electricity House Branch,
Bhadra, Ahmedabad-380 001.

.....Second Party

APPEARANCES:

First Party : Shri K.V. Shah
Second Party : Shri B.M. Joshi

AWARD

1. The Government of India has referred this dispute between the above parties to this Tribunal for adjudication. The terms of reference is as under :

SCHEDULE

"Whether the demand of the United Bank of India Karmachari Samity for parity with the majority union in the matter of periodicity of negotiations and reimbursement of TA/DA for equal number of office bearers for negotiations with the management is justified? If so what relief the union is entitled to?"

2. By Ex. 2 a notice has been issued to the parties. By Ex. 3 the second party has submitted a statement of claim. The brief facts of S.C. are that the first party management has issued a circular dated 26-7-90 regarding union negotiation policy for unions which is Annexure-A. According to the provisions of the said circular the bank has made classification between majority union and minority union in respect of the periodicity of meeting at different level and entitlement of allowances and special leave of office bearers attending such meeting from outstation. Thus it is violative of articles 14 and 16 of the Constitution hence illegal under article 14. Two conditions must be satisfied for the classification which are (1) it must be founded on intelligible differentia and (2) the differentia must have a rational nexus to the object to be achieved.

Thus the objective is illogical, unfair and unjust the classification will be held as unreasonable. The objective of the bank is that the majority union would have more problems than minority union is incorrect. The minority union may have majority union under the area of many Regional offices and Zonal offices in that case, the classification would have no relevance. At

present maximum number of office bearers who can negotiate at all level i.e., 5. Hence, it is arbitrary to discriminated between majority union and minority union. Bank has already reduced the periodicity of meeting at different level in case of minority union without any justification. Thus there is discrimination between majority union and minority union with regard to entitlement of TA, HA, and Special Leave. Thus the second party prayers for relief as per para 16 of the S.C.

3. By Ex. 7 the First party has submitted the written statement. The brief facts of written statement are that reference is illegal, improper and legally not tenable. The contents of statement of claim are not true and not admitted. The classification made by the bank is on the basis of the members of the union represented by the union. There is no violation of article 14 and 16 of the constitution as it is based on sound principles of equity. The minority union can not get the equal right as of a majority union. Objective under which the policy has made is logical and it is based on the banking institution as a whole therefore, it is not relevant to classify on which region or branch which holds the majority or the minority.

There is no discrimination or arbitrariness of the bank and there is no question of reduction in the entitlement of TA., H.A., and Special Leave to the office bearers of the minority union. The policy is in conformity with the present circular and the guidelines given for staff administration are not relevant and applicable to the present reference. Minority union can not be equated with the majority union. The bank has submitted justification to the Assistant Commissioner of Labour vide letter dated 11-2-91. The Industrial Dispute can not be raised on a policy guidelines. Therefore, it is requested that the reference should be rejected with cost.

4. The second party has not examine any witness. The first party has examined. Sureshbhai Ramanlal but he was not available for the cross-examination and first party has submitted and application at Ex. 20 and on that application the Tribunal has passed the necessary orders rejecting the evidence of First Party. Though the sufficient time was giving to the parties they did not submitted arguments. Looking to these facts the Tribunal has decided, the matter on the basis of available materials on record.

5. Looking to the terms of reference and perusing the materials on record. The following issues are to be decide in this reference.

- A. Whether the demand of Kramchari Shramik Samity for parity with the majority union in the matter of periodicity and reimbursement of TA/DA for equal number of office bearers for negotiations with the management is justified?
 - B. Whether the second party entitled any relief?
 - C. What final order should be passed in this reference.
- My answers to the above issues are as under :
- A. The demand of the union is partly justified.
 - B. Yes partly entitled.
 - C. As per the final order

REASONS

6. The first party has issued a circular No. PD/IR/29/OM-233/90 dated 26th July, 1990 regarding union negotiation policy for award staff unions/officers unions. Looking to that circular there was a revise union negotiation policy for award staff and for officers. There was a change in the frequency meeting policy after this circular at the Zonal office level and Head office level. The periodicity of meetings was changed as well as entitlement of TA, HA and Special Leave was also changed. TA and HA entitlement and Special Leave for majority union was for two office bearer. While for the minority union it was for one office bearers. Looking to the circular the classification made by the bank is not totally unreasonable or arbitrary. Majority union is enjoying more privilege than minority union.

Thus the classification to some extent is rational and is permissible under the law. Thus this classification of the bank has a rational nexus to the object to be achieved and there is nothing illogical, unfair or unjust objective on the part of the first party in reducing the periodicity of meetings and it is not unjust or illegal. However, for the entitlement of TA, HA and Special Leave to the (maximum) number of office bearers for the minority union is one office bearer which is unreasonable. Looking to the negotiation procedure and for effective representation at least two office bearers are necessary during the meeting. Thus entitlement of TA, HA and Special Leave to minority union for one office bearer is not just and sufficient. Hence two office bearers of the minority union are entitle TA, HA and Special Leave for attending the periodically meeting. Thus looking to the effective negotiation and for proper representation of the issues of the members of minority union single representative is not sufficient and minority union should have at least two office bearers present (maximum) during the meeting for effective representation and negotiation. Thus entitlement of TA, HA and Special Leave for two office bearers of minority union is just and proper because one office bearers can not effectively represent the problems of the members of the minority during the meeting. The circular is amended to that extent for the office bearers of minority union i.e., two office bearer of the minority union are entitled for TA, HA and Special Leave for attending the meeting.

7. Looking to the above observation the reference is partly allowed. This Tribunal does not interfere in the periodicity of meeting for minority union but it is unjust and improper to allow TA, HA and Special Leave only to one office bearer of the minority union. Hence it is declared that two office bearers of the minority union are entitled for TA, HA and Special Leave for attending the meeting at Regional Level, Zonal Level and Head Office Level from the date of circular.

Looking to the above observation I hereby pass the following order :

ORDER

The reference is partly allowed the first party is hereby directed to give TA, HA and Special Leave to two office bearers of minority union for attending the periodical

meeting at Regional Level, Zonal Level and Head Office Level from the date of circular i.e., 26th July, 1990. However, the demand of the union for the periodicity of meeting is not accepted, the first party shall pay of Rs. 1,000 as a cost to the Second Party union within 30 days from the publication of the award. The First Party also pay two office bearers of the minority union who have attended the meeting TA, HA and Special Leave within 60 days of the publication of the award.

Ahmedabad

B.I. KAZI, Presiding Officer

Dated : 22-9-2004

नई दिल्ली, 2 अगस्त, 2005

का.आ. 3078.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एसोसिएशन ऑफ शिपिंग इंटेरेस्ट कलकत्ता (ए.एस.आई.सी.) के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कलकत्ता के पंचाट (संदर्भ संख्या 7/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-8-2005 को प्राप्त हुआ था।

[सं० एल-32011/14/2003-आईआर (बी-11)]

सौ. गंगाधरण, अवर सचिव

New Delhi, the 2nd August, 2005

S.O. 3078.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 7/2004) of the Central Government Industrial Tribunal Cum-Labour Court, Kolkata as shown in the Annexure in the Industrial Dispute between the management of Association of Shipping Interests Calcutta (ASIC) and their workmen, received by the Central Government on 01-8-2005.

[No. L-32011/14/2003-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference NO. 7 of 2004

PARTIES : Employers in relation to the management of Association of Shipping Interests Calcutta (ASIC)

AND

Their workmen

PRESENT : Mr. Justice Hrishikesh Banerji ... Presiding Officer

APPEARANCES

On behalf of Management : Mr. R.C. Jain,
Secretary.

On behalf of Workmen : None

State : West Bengal

Industry : Port & Dock

Dated : 20th July, 2005

AWARD

By Order No. L-32011/14/2003(IR.B-II) dated 09-03-2004 the Central Government in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether M/s. Calcutta Port Watchmen Pool (managed by Association of Shipping Interests in Calcutta, Shipping House, 13, Strand Road, Kolkata) is an Industry within Section 2(j) of the I.D. Act, 1947?—that too when their watchman are being covered by provisions of the Payment of Gratuity Act, 1972 and Employees Provident Fund and M.P. Act, 1952 and that too in the light of Bangalore Water Supply and Swerage Board Case (1978) 2 SCC 213; Whether the workmen of M/s. Calcutta Port Watchmen Pool (managed by Association of Shipping Interests in Calcutta, Shipping House, 13, Strand Road, Kolkata) and members of Calcutta Watchmen Pool—Watchmen and Supervisors Association are entitled for arrears of the WRC settlement/National Wage Agreement dated 2-8-2000 with effect from 1-1-1997 or not? If not, what relief are they entitled to? Whether the agreement dated 12-08-2002 between the management of M/s. Calcutta Port Watchmen Pool (managed by Association of Shipping Interests in Calcutta, Shipping House 13, Strand Road, Kolkata) and four Unions/Associations giving up some of the benefits provided in the National Wage Agreement dated 2-8-2000 is unfair and detrimental to the interests of the workmen? If not, what relief are they entitled to?"

2. When the case is called out today, none appears for the workmen; nor any step is taken on their behalf even though the case is fixed as a last chance. It appears from record that none is appearing on behalf of the workmen since 02-11-2004; nor any step whatsoever is taken on their behalf to proceed with the matter and the case is being adjourned from time to time. Representative of the management accordingly states that the workmen are no longer interested in the matter and the matter may be disposed of by passing a "No Dispute" Award.

3. In the circumstances, it is clear to me that the workmen are no longer interested to proceed with the matter and as such, this Tribunal has no other alternative but to dispose of the matter by passing a "No Dispute" Award.

4. A "No Dispute" Award is accordingly passed and the matter is disposed of.

HRISHIKESH BANERJI, Presiding Officer

Place : Kolkata,

Dated : 20th July, 2005.

नई दिल्ली, 2 अगस्त, 2005

का.आ. 3079.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ बिकानेर एंड जयपुर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 1/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2005 को प्राप्त हुआ था।

[सं. एल-12012/465/2001-आईआर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 2nd August, 2005

S.O. 3079.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Bikaner & Jaipur and their workman, which was received by the Central Government on 1-8-2005.

[No. L-12012/465/2001-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR**

Case No. CGIT-1/2002

Reference No. L-12012/465/2001 IR (B-I)

Sh. Mehtab Singh Ketaiva,
R/o Near Hebut Auto Centre,
Hazi Market, Road No. 2,
Jhunjhunu (Rajasthan)Applicant

Versus

The Asstt. General Manager (Region-3),
State Bank of Bikaner & Jaipur,
Zonal Office, Public Park,
Bikaner (Rajasthan)-334001Non-applicant

PRESENT:

Presiding Officer : Shri R. C. Sharma

For the applicant : Sh. R. C. Jain

For the non-applicant : Sh. Anurag Agarwal

Date of award : 30-6-2005

AWARD

1. The Central Government in exercise of the powers conferred under Clause 'D' of sub-sections 1 and (2A) to Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act') has referred this industrial dispute for adjudication to this Tribunal which runs as under :

"Whether the action of the management of State Bank of Bikaner & Jaipur, Bikaner in imposing

punishment of discharge from service to Shri Mehtab Singh Ketaiva w.e.f. 6/10/94 was justified? If not, what relief the workman is entitled and from what date?"

2. The claimant has pleaded in his claim statement that he was appointed as Clerk/Cashier on 29-8-1981 in the non-applicant bank, who was charge-sheeted on 20-5-1997 and was suspended on 6-10-1994. On completion of the enquiry proceedings conducted against him, the disciplinary authority discharged him from the service w.e.f. 31-3-2001, against which he preferred an appeal which was rejected by the appellate authority vide its order dated 11-6-2001. The workman assailed the impugned order of discharge passed against him.

3. The non-applicant, in his written counter, disputing the claim of the workman has averred that it is correct to state that the workman was appointed as clerk/cashier on 29-8-1981, who was charge-sheeted and on finding the charges proved against him, he was discharged from the service by the disciplinary authority. The non-applicant has supported the punishment order passed by the disciplinary authority.

4. After hearing both the parties on the preliminary issue of fairness of the enquiry, this Court vide its order dated 5-5-2003 has declared the domestic enquiry conducted against the workman to be defective and bad and the bank was permitted to adduce the evidence to justify the charges levelled against the workman. Thereafter, vide order dated 7-12-2004 of this Court, the bank was directed only to lead the evidence limiting itself on the charged numbers 1, 2, 4, 11, 13 and 14, which were found proved by the Enquiry Officer against the delinquent workman.

5. On behalf of the bank, in justification of the charges, the affidavits of MW-1, PS Manglam, Deputy Manager, MW-2, Kalu Ram and MW-3, Devkinandan Sharma were submitted. In the rebuttal, the workman has submitted his affidavit. All these witnesses were cross-examined by the opposite representatives respectively.

6. I have heard both the parties and have scanned the record.

7. The learned representative for the management seeking to justify the charges levelled against the workman contends that the workman, who was working as a token clerk in the extension counter of Jhunjhunu branch, had forged the signatures of the deceased Juglal Ram and Dhunkal Ram on the withdrawal forms and had fraudulently withdrawn the money out of their bank account Nos. 236 and 1247 respectively. His further contention is that the management witnesses have proved this fact. Elaborating the procedure of withdrawal of payment, learned representative has stated that the account holder fills the withdrawal form and signs upon it and thereafter hands it over to the token clerk along with the passbook, who after satisfying himself about the balance in the ledger, passes it on to the concerned officer who verifies the signature of the withdrawal form with the signature in the account opening form. Then he hands it over to the cashier who

makes the payment to the token holder. The learned representative has relied upon the documentary evidence, the withdrawal forms Ex. W-2 to W-6 and W-7 and the account of the deceased pensioner Juglal Ram Ex. M-1. His submission is that Juglal Ram and Dhunkal Ram had died and their sons verified this fact in their letters and the death certificate Ex. M-10 of Juglal Ram has also been produced on the record. He has also contended that the workman delinquent in his cross-examination has admitted that he had issued the tokens for withdrawal of the money and had entered the entries into the account of the deceased Juglal Ram. The learned representative has further contended that the workman was working as a token clerk who filled himself the withdrawal forms and got them passed by the concerned officers on taking them into confidence and received the payment himself. His submission is that there is circumstantial evidence on the record that the workman has received the amount belonging to the deceased persons.

8. During the course of the argument, the learned representative for the bank has not pressed on Charge No. 11, but contended that the remaining charges are proved on account of the documentary evidence and the verbal evidence adduced on behalf of the bank.

9. Countering these submissions, the learned representative for the workman-delinquent submits that Ex. M-1 is not the account of any of the deceased persons rather it is attendance register and the account of the deceased Juglal Ram has not been exhibited, that there is no evidence that the workman has forged the signature of the deceased persons Juglal Ram and Dhunkal Ram on the concerned withdrawal forms, that they got them passed and that they received the payment. His next submission is that there is no eye witness who could state that the withdrawal forms were passed on the request of the workman that the cashier has not been examined on behalf of the bank who could state that the payment was taken from him by the delinquent. As per the submission of the learned representative, the signature on the withdrawal forms have not been examined by the handwriting expert with the signature of the delinquent. The learned representative has also contended that there is no evidence with regard to Charge No. 2 and Charge No. 4 is the repetition of Charge No. 1. On Charges No. 13 & 14, the learned representative has assailed the evidence on the ground that both of them relate to Charge No. 10, which the Enquiry Officer has found as not proved and that there is no evidence that the payment was received by the delinquent. The learned representative has also questioned the admissibility of the report Ex. M-8 by arguing that its maker Mam Raj Singh has not been examined. His next contention is that Vikram Singh who submitted the letter Ex. M-9 and the death certificate M-10 as well as Surendra Kumar who had filed letter Ex. M-11 have not been examined and the death of both the account holders could not be proved whereas the delinquent has denied to know the deceased persons. And lastly, the learned representative contends that the FIR was lodged against the workman in this case with the police station and the FIR submitted by the police was

accepted by the Court vide its order dated 6-3-98 and, therefore, the workman could not be punished by the disciplinary authority for his same misconduct.

10. I have bestowed my thoughtful consideration to the rival contentions and have gone through the judicial pronouncements referred to before me.

11. Charges Nos. 1, 2, 4, 11, 13 and 14 levelled against the workman in the Chargesheet dated 20-5-1997 read as below :—

Charge No. 1 : That you on various dates, as detailed in the charge itself, forged the signature of the deceased account holder Juglal Ram on the withdrawal forms and fraudulently got them passed by the concerned officers and had unauthorisedly withdrawn a sum of Rs. 24,000.

Charge No. 2 : That you secretly got vanished the withdrawal form dated 28-4-1993 belonging to Account No. 236 from the record of the branch.

Charge No. 4 : That you posted the entries of the withdrawal forms from Serial No. 1-8 into the concerned account books unauthorisedly and has unauthorisedly issued the tokens thereof and fraudulently received their payments, whereas the account holder Juglal Ram has expired on 6-9-1991 prior to the submission of withdrawal forms and releasing the payments thereof.

Charge No. 11 : That you with an intent to conceal the fraudulent acts had got disappeared secretly the relevant pages of the said account books of the deceased Dhunkal Ram containing the entries in question from the record of the branch.

Charge No. 13 : That you had unauthorisedly recorded the entries of the withdrawal forms indicated at para 10 of the chargesheet in the Savings Account No. 1247 of the deceased Dhunkal Ram, that you issued the tokens of these withdrawal forms and had fraudulently received the unauthorised payments thereof, whereas Dhunkal Ram had expired in the month of January 1990 prior to the submission of all these withdrawal forms and the release of their payments.

Charge No. 14 : That you have dishonestly possessed the passbook of Savings Account No. 1247 of deceased Dhunkal Ram and with its assistance had received the payment of the withdrawal forms mentioned at serial no. 1 to 5 at the aforesaid para 10.

12. First, I will dwell on the evidence gathered on the record on Charges No. 1 & 4, which include the identical facts and relate to the fraudulent withdrawal from the account of Juglal Ram. The management to prove these charges has relied upon the withdrawal forms Ex. M-2 to M-6 account of Juglal Ram Ex. M-1 and have examined MW-1, P.S. Manglam and MW-2, Kalu Ram to substantiate these charges.

13. It is not in dispute that in the material time the delinquent was working as a token clerk at the extension counter of Jhunjhunu Branch. MW-1, P.S. Manglam has testified that from 1993 to 16-8-1994 he was posted as the officer-in-charge at the extension counter Jhunjhunu

Branch and has stated that withdrawal forms Ex. M-2, M-3 and M-4 were passed by him on asking by Mehtab Singh to him, who had stated that these withdrawal forms pertain to his uncle and relying upon on being a co-employee, he had passed the withdrawal forms. He has further stated that Mehtab Singh had marked the date on the withdrawal forms and had posted them into the account of the deceased Juglal, which is Ex. M-1. MW-2, Kalu Ram had been officer in-charge at the same extension counter from April, 1992 to July, 1993 who has stated that the withdrawal forms dated 28-1-93 (Ex. M-5) and 25-2-1993 (Ex. M-6) were passed by him on the request of delinquent, which pertain to Account No. 236 of Juglal, He has also exhibited the account of the deceased Juglal Ex. M-1, and has stated that Juglal died on 6-9-1991 and Dhunkal Ram on 6-1-1990 respectively. His further testimony is that Mehtab Singh has recorded the entries into the account Ex. M-1.

14. MW-3, Devkinandan Sharma was the Manager of the Jhunjhunu branch from 27-1-1993 to 10-6-1996 who has stated that fraudulent withdrawal from the accounts of the deceased Juglal and Dhunkal Ram was reported to him (Ex. M-8) by the then officer in-charge Sh. Mamraj Singh and has further testified the death of Juglal on 6-9-1991 and death of Dhunkal Ram on 6-1-1990 by stating that as per the direction of the Regional Manager he had visited the village of Juglal along with the inspection team, where his son Vikram Singh submitted a letter Ex. M-9 to him stating therein that his father had died on 6-9-1991 and has also furnished him his death certificate Ex. M-10. Similarly, when he along with the said team visited the village of Dhunkal Ram, where his son Surendra Kumar gave him in writing (Ex. M-11 letter) that his father had expired on 6-1-1990. Both the deceased were ex-armymen and were pensioners and were residents of Jhunjhunu district, to whom Mehtab Singh knew very well. Thus he is a formal witness of the Report Ex. M-8 and has been examined to prove the death of Juglal Ram and Dhunkal Ram.

15. These three documents Ex. M-9 to M-11 have been proved by Sh. Devkinandan Sharma and although he has been cross-examined at length on the genuineness of these documents, but nothing has been surfaced to discard the veracity of his evidence. He had himself visited the respective villages of the deceased account holder for probing into the matter and the sons of the deceased persons have themselves conveyed the demise in writing before him. The death certificate of Juglal Ram has also been produced. Thus, this witness has fully proved the factum of the demise of Juglal Ram and Dhunkal Ram respectively and his testimony has also been corroborated by MW-2, Kalu Ram. Even the workman has admitted in his cross-examination that Juglal and Dhunkal Ram were the defence pensioners, who were the residents of Jhunjhunu, which indicates that he was familiar with the deceased. But he has given an evasive reply to the question put on behalf of the non-applicant about the death of Juglal which shows that he is trying to conceal this fact. On these facts the non-examination of Vikram Singh and Surendra Kumar is immaterial. The learned representative in support of his submission that mere filing of these

documents was not sufficient to prove the death of Juglal and Dhunkal Ram and that no opportunity was given to cross-examine Vikram Singh and Surendra Kumar, has placed his reliance on 1981 WLN (UC) Raj. 457 and 1998 (78) FLR SC 700, which I have carefully gone through and in my considered opinion the facts of these decision are wholly dissimilar to the present controversy. Apart it, it is fairly settled law that the strict rules of Evidence Act are not applicable to the industrial disputes. This contention, therefore, is negated.

16. The question whether the withdrawal forms Ex. M-2 to M-4 were forged by the workman has been answered by MW-1, PS Manglam who has testified this fact and has categorically stated in his cross-examination that Ex. M-2 to M-4 are in the handwriting of the delinquent Mehtab Singh with which he is familiar. His testimony is natural on the count that being a co-employee in the same branch, he will be familiar with the handwriting of the delinquent. Adding to it, the workman himself in his cross-examination has admitted that the endorsements from A-B on Ex. M-2 to M-4 for issuance of tokens were made by him respectively. He has also admitted that these withdrawal forms pertain to the account of the deceased Juglal. Therefore, on the strength of the evidence of PS Manglam it stands proved that withdrawal form Ex. M-2 dated 23-8-1993 worth Rs. 5,000, Ex. M-3 dated 10-11-1993 worth Rs. 2000 and Ex. M-4 dated 13-6-1994 worth Rs. 5000 were forged by the delinquent and were fraudulently got passed by the workman from MW-1, PS Manglam after soliciting him. The submission on behalf of the workman that handwriting on these instruments was not got compared by the handwriting expert or that it was not compared with the specimen handwriting of the deceased Juglal has no substance in view of the definite evidence of MW-1, PS Manglam. This fact of forging the signatures on these withdrawal forms is further strengthened from the testimony of the workman who was familiar with the deceased Juglal Ram and was knowing about his death. As stated earlier he has pleaded ignorance in his cross-examination from the fact whether Juglal Ram had expired on 6-9-1991 whereas he has stated in his cross-examination that Ex. M-2 to M-4 were presented by the person himself for withdrawal of the money, whereas these withdrawal forms pertain to the year 1993 and 1994, when Juglal Ram lived no more, who had expired already in the year 1991.

17. To substantiate that withdrawal forms Ex. M-5 dated 28-1-1993 and Ex. M-6 dated 25-2-1993 belonging to the account of Juglal Ram were forged by the delinquent, MW-2, Kalu Ram's testimony has been relied upon by the management, who has stated that he had passed these withdrawal forms on the request of Mehtab Singh. But nowhere he has stated in his deposition that he withdrawal forms are in the handwriting of the delinquent with which he is familiar. As such, the management has failed to prove that withdrawal forms Ex. M-5 and M-6 were forged by the workman delinquent.

18. Turning to the next question whether the entries of these withdrawal forms were posted by the delinquent himself in the account of the deceased Juglal Ram, the management has relied upon the evidence of MW-1,

P.S. Manglam and MW-2, Kalu Ram and the account of Juglal Ram, Ex. M-1. Interestingly, MW-1 PS Manglam in his affidavit has exhibited the savings account of Juglal as M-1, which has been attacked on behalf of the workman by arguing that it is not the account of the deceased Juglal, rather it is the attendance register of the staffers. In his cross-examination, MW-1, PS Manglam has admitted that Ex. M-1/BE135 is not the copy of Juglal's account. Further, he has stated that the script from A to B in Ex. M-1 appears to be in the handwriting of the delinquent. Curiously enough, the workman himself in his cross-examination has categorically admitted that Ex. M-1 is the account of Juglal in which he used to record the entries of the vouchers. Thus, the evidence received from both the parties on this point is topsy-turvy and ridiculous.

19. During the course of the arguments before the Court, the Id. representative for the bank contended that Ex. M-1/BE135 is not the account of the deceased Juglal and has indicated to another photocopy of his account, which has been marked as 'X' by me for convenient discussion on the point. It, therefore, follows that the account marked 'X' could not be exhibited by any of the management witnesses. Furthermore, when the workman himself had admitted in his cross-examination that Ex. M-1/BE135 is the account of the deceased Juglal, no attempt on behalf of the bank could be made to confront the workman with the entries of the payments made through the withdrawal forms Ex. M-2 dated 23-8-1993, M-3 dated 10-11-1993 and M-4 dated 13-6-1994. Thus, the evidence received from both the parties on this point is topsy-turvy and ridiculous and, in essence, it can be stated that the management has failed to exhibit the account of the deceased Juglal to justify that the entries of the withdrawal forms Ex M-2 to M-4 were posted by the workman.

20. Then I am faced with the question whether the workman-delinquent had fraudulently received the payment of the said amount of withdrawal forms Ex. M-2 to M-4?

21. The withdrawal forms Ex. M-2 to M-4 carry the signatures of Juglal Ram on their back for the acknowledge of payments respectively. MW-1, PS Manglam in his cross-examination has disclosed that the payment of Ex. M-2 was made by Sh. Pratap Narayan Saini, Cashier, but has further pleaded ignorance as to by whom the payments of the withdrawal forms Ex. M-3 to M-4 was made to the bearer of the withdrawal forms. But his testimony is that Ex. M-2 to M-4 were passed by him on the request of Mehtab Singh who had stated that these withdrawal forms pertain to his uncle and has further categorically stated in his cross-examination, as stated earlier, that Ex. M-2, M-3 and M-4 are in the handwriting of the delinquent with which he is acquainted. At the back of Ex. M-2 to M-4 respectively the signatures of Juglal Ram for the receipt of the payment are annexed, which have been categorically stated are in the handwriting of the delinquent as pointed by MW-1, PS Manglam. The workman in his cross-examination has admitted that he was working as a token clerk in the extension counter of Jhunjhunu branch from the year 1992 to 1994. Although he has pleaded ignorance whether the tokens relating to the withdrawal forms Ex. M-2 to M-4 were issued by him or not, but he has admitted that the

endorsements C to D on Ex. M-2 to M-4 respectively are in his handwriting which were made for issuance of the tokens. Above the endorsement A to B in each withdrawal form are annexed the disputed signature of Juglal from C to D, which are stated to be put for the receipt of the payment of withdrawal money and have been proved to be in the handwriting of the delinquent by MW-1, PS Manglam. In an answer to a question put on behalf of the bank, the workman in his cross-examination has stated that he had got them signed by the pensioner from C to D on Ex. M-2 to M-4. But his explanation does not seem to be plausible since it has been proved with the assistance of the documents Ex. M-9 and information letter Ex. M-10, Juglal's death certificate that on the dates of the withdrawal forms he survived no more. Thus, on the strength of the withdrawal forms Ex. M-2 to M-4 and the testimony of MW-1 PS Manglam along with the facts surfaced from the cross-examination of the workman, it stands proved that the payment of these withdrawal forms was unauthorisedly received by the workman himself. Indeed, there is no direct evidence on this point that the payments of these withdrawal forms were received by the workman, but the aforesaid circumstantial evidence available on the record, being unrebutted leads to an inference that in all the probabilities it was the delinquent himself who had received the payment of the withdrawal forms Ex. M-2 to M-4. Hence, the management has succeeded to prove the charge No. 1 and has also been able to prove the charge No. 4 in part to the extent that the workman had unauthorisedly issued the tokens of Ex. M-2 to M-4 withdrawal forms and had fraudulently received their payments himself. Both these charges are covered by the misconduct defined under para 19.5(J) of the Bipartite Settlement, 1966.

22. So far as charge No. 2 is concerned, no evidence could be adduced on behalf of the bank that the workman had secretly got vanished the withdrawal form dated 28-4-93.

23. Now, I advert to the charges No 11, 13 & 14, which deal with the fraudulent withdrawal of money from the account of deceased Dhunkal Ram. So far as charge No. 11 is concerned, the Id. representative for the bank candidly admits that no evidence could be led to substantiate this charge. Hence, this charge is not found to be proved against the delinquent.

24. Now, the question which calls for determination is whether the delinquent had forged the signatures of the deceased Dhunkal Ram on the withdrawal from Ex. M-7 and had posted the entries thereof in the savings account of the deceased and whether he had fraudulently received the payment of the said amount ?

25. The management's case is that the workman had prepared the withdrawal form Ex. M-7 and forged the signatures of Dhunkal Ram, that he issued the token and got it passed by MW-2, Kalu Ram and received the payment thereof. MW-2, Kalu Ram has been examined by the management to prove the charges No. 13 and 14 against the delinquent. Kalu Ram in his affidavit has deposed that the withdrawal form Ex. M-7 dated 20-3-93 (worth Rs. 2000) was passed by him on asking by the delinquent,

who himself came to him and told him that the withdrawal form belongs to his uncle and placing the faith on him as a co-employee, he passed the withdrawal form. Except this deposition, he has stated nowhere in his evidence that Ex. M-7 was prepared by the delinquent in his presence under the signature of Dhunkal Ram or that the handwriting upon it is of the delinquent with which he is acquainted. Besides it, there is no evidence adduced on this point on behalf of the bank. Hence, the management has failed to prove that the delinquent had forged the signature of Dhunkal Ram on Ex. M-7. So far as the question of receiving the payment of withdrawal form Ex. M-7 is concerned, there is no direct or circumstantial evidence against the delinquent to implicate him in this context.

26. Dhunkal Ram is stated to have been the holder of account No. 1247 and the management has taken no pains to get it exhibited. Therefore, no evidence is available on this charge that the workman had posted the entries in the savings account of the deceased Dhunkal Ram. There is also no evidence that the delinquent had taken into his possession the passbook of the deceased for fraudulently withdrawing the money out of his savings account. As such, charges Nos. 13 & 14 are found to be not proved in the absence of the direct or circumstantial evidence on the record. Adding to it, the articles of charge Nos. 13 & 14 resemble to the article of charge No. 10, and it appears that the Enquiry Officer had reached to a conclusion that charge No. 10 could not be proved against the delinquent.

27. The learned representative for the workman has also assailed the credibility of the evidence of MW-1, PS Manglam and MW-2, Kalu Ram on the count that both of them were also chargesheeted in this case and were punished, which has been admitted by them in their cross-examination and, therefore, their testimony cannot be trustworthy. But it is difficult to be persuaded by this submission. True it is, that these witnesses were the part of event, but they were not in league with the workman-delinquent in commission of the misconduct by the workman, rather they are the wronged persons, who had to suffer at the hands of the delinquent who secured their faith fraudulently in fulfilment of his motive and their deposition assumes significance since they are the best witnesses of the role played by the workman. Therefore, the submission advanced on behalf of the workman is devoid of any substance and cannot be accepted.

28. The learned representative for the workman has then contended that a case was also registered with the police station against the workman in this regard wherein after investigation the police had submitted the final report, which was accepted by the Chief Judicial Magistrate, Jhunjhunu *vide* his order dated 6-3-1993, a copy thereof has been submitted on behalf of the workman. His submission, therefore, is that when an FR has been accepted by the Court, the delinquent cannot be punished for the same misconduct alleged against him. The learned representative has referred to the decision 2000 (1) WLC 369.

29. Responding to the submission, the learned representative for the bank contends that the standard of

prove in the criminal cases and in departmental proceedings are entirely different and on the ground that the FR has been sanctioned by the Court, no benefit can be given to the workman. The learned representative in support of his submission has relied upon 2000 (4) WLC Raj. 752; 2001 WLC (Raj.) 154 & 2002 (3) WLC Raj. 62.

30. In 2000 (1) WLC 369, relied upon by the learned representative for the workman, His Lordship has observed as below :—

“It is true that there is no bar to proceed against the petitioner by way of departmental enquiry when there was a criminal complaint pending before the Court. However, it always depends upon the facts of each case. In this case, as stated earlier, the FIR was lodged on 28-2-1993 with the police against the petitioner for the same charges which were levelled against the petitioner in the departmental enquiry. Police is an independent agency which has made thorough investigation in the case and found that allegations made against the petitioner were baseless and false, therefore, the police submitted F.R. in favour of the petitioner before the competent criminal court. It may be that so far there is no decision by the Court on the said final report, however, once there is a F.R. in favour of the petitioner accused then it was not open for the respondent Bank to proceed against the petitioner by way of departmental enquiry for the same charges. It was upto the Bank to move the competent Court before which the F.R. was submitted and to submit that such final report submitted by the police should not be accepted and the court should take cognizance against the petitioner. Admittedly, this has not been done by the petitioner.”

31. I have carefully gone through the order dated 6-3-1998 passed by the learned Chief Judicial Magistrate, Jhunjhunu, which demonstrates that the police had submitted the FR in the criminal case lodged on behalf of the bank against the workman on various allegations of dishonestly withdrawing the money from the savings accounts. The name of Juglal Ram also occurs in the FIR. After submission of the FR, it appears that the learned Magistrate had also recorded the statements of Mamraj Singh and Devaki Nandan Sharma under Section 200 and 202 Cr. P.C. for the consideration of the matter. It was concluded by the Court that *prima facie* no case has been made out against the accused and the FR was accordingly sanctioned. But in the instant case Devaki Nandan Sharma has been examined only as a formal witness. Apart it, two other witnesses PS Manglam and Kalu Ram have also been examined by the management to justify the charges, who were not examined by the Court under Section 200 and 202 Cr. P.C. Therefore, the set of the evidence in the criminal case and in the present controversy is totally distinct and no benefit on this account is available to the workman in view of the decision of the Hon'ble Rajasthan High Court rendered in 2000 (4) WLC Raj. 752. Moreover, the Hon'ble Court in this ruling has also observed that “Thus, there can be no doubt regarding the settled legal proposition that as the standard of prove in both is quite different and

the termination is not based on conviction of an employee in a criminal case the acquittal of the employee in criminal case, cannot be the basis of taking away the effect of departmental proceedings”.

32. In 2001 WLC Raj. 154, too, the similar view has been reiterated by the Hon'ble Court. In 2002 (3) WLC Raj. 62, the Hon'ble Court has observed that on acquittal of the delinquent, there is no bar to take up the enquiry later on the chargesheet served earlier since the standard of proof in both the cases is different. In 2003 Lab IC SC 1170, the Hon'ble Apex Court has observed that “The standard of proof, the mode of enquiry and the rules governing the enquiry and trial are conceptually different.” The submission advanced on behalf of the bank is fully fortified by the ratio of the decisions rendered by their Lordships in these rulings and even in 2000 (1) WLC Raj. 369. The Hon'ble Court has observed that there is no bar to proceed against the petitioner by way of departmental enquiry when the criminal complaint was pending before the Court. Thus, the submission of the behalf of the workman cannot be maintained.

33. To conclude, on a careful examination of the evidence, documentary as well as oral, collected on the record, charge No. 1 is found to be fully proved whereas charge No. 4 is found to be proved in part against the workman-delinquent. Rest of the charges are found not proved against the workman and he deserves to be exonerated from the charges No. 2, 11, 13 & 14 respectively.

34. That takes me to the determination of the quantum of punishment imposed on the workman looking to the nature of the misconduct.

35. The proven guilt against the workman is that he had fraudulently withdrawn the amount from the account of the deceased Juglal Ram worth Rs. 12000/- by forging his signatures on the withdrawal forms Ex. M-2 to M-4, which is gross misconduct as defined under Clause 19.5 (J) of the Bipartite Settlement and the workman has failed to protect the interest of the bank and to perform his duty with utmost devotion and dignity. The punishment of discharge from service imposed upon him looking to the gravity of misconduct cannot be termed as shockingly or excessively disproportionate. The proven misconduct justifies his discharge from service and no interference is warranted in the impugned punishment order. The learned representative for the non-applicant has also referred to the decision 2003 Lab IC SC 1170, wherein the Hon'ble Apex Court has upheld the dismissal order on account of the alleged gross misconduct for unauthorized withdrawal from the customers account, which renders assistance to the submission advanced on behalf of the bank in this context.

36. In the result, the reference is answered in the negative against the workman and in favour of the bank and it is held that the punishment of discharge from the service to the workman-delinquent w.e.f. 31-3-2001 is legal and justified and the claim of the workman is dismissed. An award is passed in these terms accordingly.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 2 अगस्त, 2005

का.आ. 3080.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोसी क्षेत्रीय ग्रामीण बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं.-I, धनबाद के पंचाट (संदर्भ संख्या 48 का 1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2005 को प्राप्त हुआ था।

[सं. एल-12012/190/95-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 2nd August, 2005

S.O. 3080.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.48 of 1997) of the Central Government Industrial Tribunal No. I, Dhanbad now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Koshi Kshetriya Gramin Bank and their workman, which was received by the Central Government on 1-8-2005.

[No. L-12012/190/95-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10(1)(d)
of I.D. Act, 1947

REFERENCE NO. 48 OF 1997

PARTIES:

Employers in relation to the management of
Koshi Kshetriya Gramin Bank Purnea

AND

Their Workmen

PRESENT:

SHRI SARJU PRASAD, Presiding Officer.

APPEARANCES:

For the Employers : Shri S. Paul, Advocate.

For the Workman : None

State : Bihar.

Industry : Bank.

Dated, the 19th July, 2005

AWARD

By Order No. L-12012/190/95-IR (B-I) dated, the
29-1-97/7-2-97 the Central Government in the Ministry of

Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the Kosi Kshetriya Gramin Bank management in terminating the services of Shri Anil Kumar is justified ? If not, to what relief the workman is entitled to ?”

2. This reference was received in this Tribunal on 17-2-97. But since 16-10-2001 the concerned workman is not taking any interest to contest the case. Therefore, it is needless to keep this pending further.

3. Accordingly, I render a ‘No Dispute’ Award in the present reference case.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 2 अगस्त, 2005

का. आ. 3081.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. I, नई दिल्ली के पंचाट (संदर्भ संख्या 49/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2005 को प्राप्त हुआ था।

[सं. एल-12012/61/92-आई अर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 2nd August, 2005

S.O. 3081.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 49/92) of the Central Government Industrial Tribunal-cum-Labour Court, No. I, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 1-8-2005.

[No. L-12012/61/92-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

Presiding Officer : SHRI S. S. BAL.

I. D. No. 49/92

In the matter of dispute between :—

Sh. T.P. Vaid, Control Room Attendant,
Through General Secretary,
Bank of Baroda Employees Association,
Through Bank of Baroda, Ground Floor,
16, Sansad Marg, New Delhi-110001.

....Workman

Versus

The Zonal Manager (DCR),
Bank of Baroda, Zonal Office,
Delhi City, 16 Sansad Marg,
New Delhi-110001.

....Management

APPEARANCES : None for the Workman.

Shri T. C. Gupta for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/61/92-IR (B-II) dated nil has referred the following industrial dispute to this tribunal for adjudication :

“Whether the action of the management of Bank of Baroda in imposing the punishment of stoppage of two increments with cumulative effect on Shri T.P. Vaid, Control Room, attendant, is justified, if not, to what relief is the workman entitled to ?”

2. Briefly stated the facts of this case as culled from record are that the workman as per claim was appointed as Control Room, attendant for automatic fire alarm system installed inside the Bank of Baroda premises at Sansad Marg, New Delhi in March, 1983 and that his services had been very well and he had unblemished service record. He had not given any opportunity of complaint to the management and it is further averred that the applicant was under suspension during the period of 5-12-1986 to 16-12-1988 on false frivolous and baseless allegations and that he was issued chargesheet on 11-3-1987 containing allegations and domestic enquiry was conducted under the supervision of Mr. Rajshekhar, Sr. Manager, Regional Office and secondly by Mr. M.L. Manchanda who subsequently submitted his findings on 26-4-1988. In the so called enquiry report the workman was found guilty of charges levelled against him and that he was awarded punishment of stoppage of 4 increments which was subsequently reduced to two increments as the same was considered to be arbitrary and illegal. The workman went in appeal against the said punishment before the Appellate Authority and the Appellate Authority vide orders dated 12-12-1988 punishment was reduced to stoppage of two increments with cumulative effect by the Disciplinary Authority/Regional Manager CD Jayachandran vide order dated 12-12-1988 as the impugned order of stoppage of increments was excessive in nature. Thereafter the workman raised the dispute which resulted in the present reference landing him before this labour court.

3. The case was contested by the management by filing written statement justifying order of punishment stating that the punishment had been afforded after conducting proper enquiry in which the workman was afforded proper opportunity to defend himself and that he is not entitled to any relief.

4. Workman filed rejoinder reiterated the facts of claim statement and repudiating the facts mentioned in the written statement.

5. Thereafter evidence was adduced. Workman examined himself as WW1 while management examined two witnesses M.L. Manchanda as MW-1 and A.C. Rastogi as MW-2 and closed its evidence.

6. I have heard arguments of Mr. T.C. Gupta for the management and none appeared for workman to address arguments.

7. I have given my anxious thought to the contentions raised on both sides. the case is very old pending since 1992. Shri T.C. Gupta appeared and addressed arguments.

8. I have gone through the record and perused the same meticulously.

9. Perusal of record shows that document No. 5A which is an admitted document mentions the technical duties of the fire control-room attendant and duty No. 1 in the said document mentions that during his duty hours he (control room attendant) will remain alert in the control room and will not leave his place of duty without obtaining suitable permission and proper relief and will not allow any unauthorised person to enter the control room. As per the averments made in the rejoinder in para 'C' at page '4' to the effect that on noticing fire at 8th floor on the fire control panel he (applicant) rushed to the 8th floor immediately. He should not have left control room and rushed to 8th floor. Rather he should have remained in the control room and informed the concerned authorities about the fire which it appears he has not done. There is no evidence on record to show that he has performed his duties efficiently. The punishment imposing stoppage of two increments. In this regard to my mind does not appear to be excessive in any manner and I do not find any legal infirmity to interfere with the same. Hence in the facts and circumstances of the case I am of the opinion that action of the management in imposing the punishment of stoppage of two increments is justified. The reference is answered and award is passed accordingly.

Dated 21-07-2005.

S.S. BAL, Presiding Officer

नई दिल्ली, 2 अगस्त, 2005

का. आ. 3082—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-I, के पंचाट (संदर्भ संख्या 44/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2005 को प्राप्त हुआ था।

[सं. एल-20012/526/97-आई आर (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 2nd August, 2005

S.O. 3082.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 44/98) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 01-8-2005.

[No. L-20012/526/97-IR (C-1)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of reference U/s. 10(1)(d)(2A) of
I.D. Act.

REFERENCE NO. 44 OF 1998

PARTIES :

Employers in relation to the management of Laikdih Deep
Colliery of BCCL.

and

These workmen

PRESENT :

SHRI SARJU PRASAD, Presiding Officer.

APPEARANCES :

For the employers : Shri B.M. Prasad, Advocate.

For the workman : Shri D. Mukherjee, Secretary, Bihar
Colliery Kamgar Union

STATE : Jharkhand

INDUSTRY : Coal

Dated, the 20th July, 2005

AWARD

By Order No. L-20012/526/97-IR(C-1) dated 13-8-1998 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the industrial disputes Act, 1947, referred the following dispute for adjudication to this tribunal :

"Whether the action of the management of C.V. Area of M/s. BCCL in dismissing Shri Jaidev Kundu, workman of Laikdih Colliery w.e.f. 24-4-1995 on the basis of chargesheet issued on 14-10-1994 is justified? If not, to what relief the workman is entitled to?"

2. Shri D. Mukherjee, Secretary of the sponsoring union, appearing on behalf of the concerned workman submits that the concerned workman is not interested to contest the case, and, as such, 'no dispute' award may be passed in this case.

3. In view of such submission being made on behalf of the concerned workman, I render a 'No dispute' award in this reference case.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 2 अगस्त, 2005

का.आ. 3083.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 43/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2005 को प्राप्त हुआ था।

[सं. एल-20012/546/97-आई आर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd August, 2005

S.O. 3083.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 43/1998) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 1-8-2005.

[No. L-20012/546/97-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NO. 1, DHANBAD**

In the matter of a reference U/s 10(1)(d)(2A) of I.D. Act.

REFERENCE NO. 43 OF 1998**PARTIES:**

Employers in relation to the management of Govindpur Area III of M/s. BCCL

AND

Their Workmen

PRESENT:

SHRI SARJU PRASAD, Presiding Officer.

APPEARANCES:

For the Employers : None.

For the Workman : Shri D. Mukherjee, Secretary,
Bihar Colliery Kamgar Union.

State : Jharkhand

Industry : Coal.

Dated, the 20th July, 2005

AWARD

By Order No. L-20012/546/97-IR (C-I) dated, the 13-8-1998 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management in dismissing the concerned workman Shri Md. Faruque from the services of the company w.e.f. 13-3-96 is justified? If not, to what relief the concerned workman is entitled to?"

2. In this reference case Shri D. Mukherjee, Secretary of the sponsoring union, appearing on behalf of the concerned workman submits that the concerned workman is not interested to contest the case, and as such a 'no dispute' award may be passed in this case.

3. In view of such submission being made on behalf of the concerned workman, I render a 'No Dispute' Award in the present reference case.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 4 अगस्त, 2005

का. आ. 3084.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 159/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2005 को प्राप्त हुआ था।

[सं. एल-22012/388/2003-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th August, 2005

S.O. 3084.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 159/2004) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, New Delhi as shown in the Annexure in the Industrial Dispute between the management of Food Corporation of India and their workmen, received by the Central Government on 4-8-2005.

[No. L-22012/388/2003-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE**BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II NEW DELHI**

Presiding Officer : R. N. RAI.

I. D. No. 159/2004

In the Matter of :—

The Organizing Secretary,
Food Corporation of India Worker's Union,
14-B, Ferozshah Road,
New Delhi-110 001.

VERSUS

1. The Sr. Regional Manager,
Food Corporation of India,
Delhi Region, 17, Prabhat Kiran Building,
Rajendra Place,
New Delhi-110 018.
2. The Regional Manager,

Central Warehousing Corporation,
Deepali Building, Nehru Place,
New Delhi-110 019.

AWARD

The Ministry of Labour by its letter No. L.-22012/388/2003-IR (QM-II) Central Government Dated 28-10-2004 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of Food Corporation of India and Central Warehousing Corporation in not promoting Shri Masudal Rahman Mondal to the post of Sardar, falling vacant after the death of Late Shri Laturi Prasad on 30-5-1993 of Gang No. 2 in Central Warehouse Corporation's Warehouse at Rana Pratap Bagh, Delhi is legal and justified? If not to what relief the concerned workman is entitled and from which date?”

It transpires from perusal of the order sheet that notice was issued to the workman applicant on 2-11-2004 on the address of the petitioner—The Organizing Secretary, Food Corporation of India Workers' Union, 14-B, Ferozshah Road, New Delhi-110 001. The notice has been received back with the endorsement that there is no such organization. The notice has been sent on correct address still the workman has not appeared. He has not filed claim statement.

No dispute Award is given.

Date : 26-7-2005

R. N. RAI, Presiding Officer

नई दिल्ली, 4 अगस्त, 2005

का.आ. 3085.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. II, धनबाद के पंचाट (संदर्भ संख्या 14/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2005 को प्राप्त हुआ था।

[सं. एल-40012/178/96-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 4th August, 2005

S.O. 3085.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 14/98) of the Central Government Industrial Tribunal/Labour Court, No. II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Post and their workman, which was received by the Central Government on 4-8-2005.

[No. L-40012/178/96-IR (DU)]

KULDIPRAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD PRESENT:

SHRI B. BISWAS, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act, 1947

REFERENCE. No. 14 of 1998

PARTIES: Employers in relation to the Management of Superintendent of Post Offices, Patna and their workman.

APPEARANCES:

On behalf of the workmen : Mr. B. B. Panday,
Advocate

On behalf of the employers : Mr. H. Nath, Advocate
State : Jharkhand Industry : Post

Dated, Dhanbad, the 19th July, 2005

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-40012/178/96-IR(DU), dated, the 3rd February, 1998.

SCHEDULE

“Whether the action of the management of Postal Department in terminating the services of Sh. Ram Binay Prasad, Bela Tarari Branch Post Office is justified and legal? If not, to what relief the workman is entitled to?”

2. In this reference both the parties appeared through their authorised representative and filed their respective Written Statement, documents etc. The case then proceeded along with its course. Subsequently, at the stage of oral evidence Ld. Advocate for the concerned workman submitted that the concerned workman is not interested to proceed with the hearing of this case and in the circumstances as he is not interested it is redundant to proceed with the further hearing of the case. Accordingly a ‘No dispute’ Award may be passed. Ld. Advocate for the management raised no objection in view of the submission made by the Ld. Advocate for the workman. It is seen that when the concerned workman is not interested to proceed with the hearing of this case there is no reason at all to waste time by fixing date for recording evidence or so. Hence the case is closed and accordingly a ‘No dispute’ Award is passed in this reference presuming non-existence of any industrial dispute between the parties.

B. BISWAS, Presiding Officer

नई दिल्ली, 4 अगस्त, 2005

का. आ. 3086.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच,

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 91/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2005 को प्राप्त हुआ था।

[सं. एल-40011/3/97-आई आर (डीयू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 4th August, 2005

S.O. 3086.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 91/98) of the Central Government Industrial Tribunal/Labour Court, No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workmen, which was received by the Central Government on 4-8-2005.

[No. L-40011/3/97-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER : R. N. RAI

I. D. No. 91/1998

In the Matter of :—

Shri Ratan Kumar,
C/o Secretary General,
Mahendra Rajmarg Karamchhari,
Union (CPWD) (Regd.),
C-15, Gole Market,
New Delhi-110 001.

VERSUS

1. Department of Telecommunications,
Through the Executive Engineer (E),
Telecom Elect, Division-III,
Devika Towers, Nehru Place,
New Delhi-110 019.
2. M/s. Fire Cool Engineers,
B-20, Somdutt Chambers,
11, 9 Bhikaji Cama Place,
New Delhi-110 019.

AWARD

The Ministry of Labour by its letter No. L-40011/3/97-IR(DU) Central Government Dated 10-03-1998 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of Deptt. of Telecom in terminating the services of Shri Ratan Kumar Jha allegedly working through Fire Cool Engineers (Contractor) w.e.f. 03-10-1996 is legal and justified ? If not, to what relief he is entitled?”

The workman applicant has filed statement of claim. In his statement of claim it has been stated that the workman joined the services of the management as early

as on 01-02-1995 initially as helper and later promoted as an operator w.e.f. 26-08-1995 obviously because he discharged his duties honestly and to the entire satisfaction of the department and continued as Fire Cool Operator since then at the Telecom Exchange building of the DOT at Hauz Khas, Thro' M/s. Fire Cool Engineers who are contractors for maintenance and operation of Fire fighting system without any break.

That the said work in which Shri Ratan Kumar Jha the workman is performing at the Telecom Exchange at Hauz Khas in his continuous, perennial non-stop and permanent work which has to be performed by the department itself and not through a contractor or contractor's labour.

That the workman was a member of the CPWD Karamchhari Union, a Registered Union and he requested the management to regularize his services as he had completed 240 days. As the management did not accede to his request he raised an industrial dispute through the CPWD Karamchhari Union, before the ALC(C). Enraged at this the management terminated the services of the workman w.e.f. 03-10-1996 even while the dispute for regularization was before the conciliation officer's table, which is a violation of Section 33 of Industrial Disputes Act, 1947.

That thus the dispute raised by the CPWD Union for regularization of the services of the workman got converted into that of wrongful termination of services of the workman and referred as such to this Hon'ble Tribunal as stated above. This has clearly been pointed out by the report on failure of conciliation, No. ALC 1.8(8)97 dated 26-2/4-3-1997, submitted by the ALC(C), New Delhi. A copy of the same is annexed to this claim for ready reference.

That even assuming for arguments sake but not accepting, that this is not a violation of Section 33 the termination of the workman is a “retrenchment” and as the workman was not paid the notice pay and service compensation which is a required U/s. 25. F of the ID Act, 1947, the workman is continuing in the service of the management.

That the so called contract system is a sham and is a camouflage to escape regularization and other attendant benefits which are to be conferred upon the workman by the management. This type of contract system has been condemned by the Hon'ble Supreme Court in their judgments, calling it, “a sham” in the case of Gujarat Electricity Board, Thermal Power Station, UKAI V/s. Hind Mazdoor Sabha and Ors. [JT.1995 (4) SC 264] and Coir Rope case pronounced by Hon'ble Mr. Justice V. R. Krishna Iyer, of the Supreme Court. There are a catena of cases of the Hon'ble Supreme Court in this regard.

That it is an admitted fact that the Telephone Exchange cannot function without regulation and maintenance of temperature at a particular degree of temperature and therefore it is perennial and permanent nature of work, in which contract labour cannot be employed. If any one is employed in these nature of work such workman would be and should be the employees of

the principal employer here in this case, the DOT. Therefore, the workman is the workman of the DOT and not the contractor.

That the work and conduct of the workman was thoroughly satisfactory as is evident from the fact that he was not even reprimanded even once throughout his service with the management. That the workman was not also hauled up for any misconduct. As such the termination abruptly, that too when his dispute for regularization was pending before the conciliation officer, is wrongful, unjust, arbitrary and unlawful.

That the termination is also not due to want of a vacancy as the job of operation and comprehensive maintenance of fire fighting system in which the workman was working is continuing and the DOT cannot afford to have it stopped even for a minute.

That the termination of service is a victimization because the workman wanted regularization of his services since he had completed 240 days which was the only crime committed by the workman and with a view to teaching him a lesson, his services were terminated, violating Section 33 and Section 25 F of the ID Act, 1947.

That under the "Casual Labour (Grant of Temporary Status and Regularization) Scheme of Govt. of India, 1993", who ever was in service on 01-09-1993 and onwards should be conferred temporary status as soon as one renders one years' continuous service. As the workman has completed one year service on 01-02-1996, he should have been granted temporary status and the privileges accrued thereto have to be conferred on him.

The management has filed written statement. In the written statement it has been stated that the present reference is bad in law, without application of mind and in a stereo type manner hence liable to be dismissed.

That there is no relationship of employer and employee and that of a master and servant existing or otherwise exists between the claimant and the respondent No. 1. that the present claim petition has no cause of action against the management No. 1 as claimant had never been engaged as an employee of the management No. 1. That by virtue of the position of the claimant and the status of the claimant and being an employee of the contractor agency he did not answer the description of the work "workman" as defined in the clause (s) of sec. 2 of ID Act, 1947. In view of this the claim of the claimant is utterly misconceived and the same deserves to be dismissed out rightly in limine.

That the above said claimant was engaged by contractor agency i.e. M/s. Fire Cool Engineer and the claimant has/had never been engaged as an employee of the management No. 1.

That the above claimant has no locus standi to file this claim against the management No. 1 being there is no industrial dispute between the claimant and management No. 1.

That the claimant is sailing in two boats at the same time and wants to get himself declared as an employee of the management No. 1 by filing the present claim petition.

The claimant cannot file the alternate claim against the management Nos. 1 & 2 hence liable to be dismissed.

It is wrong and specifically denied that the workman joined the services initially as a helper and later promoted as an operator as alleged. What to tally of discharging his duties honestly and to the entire satisfaction of the department. It is pertinent to mention here that in fact Shri Ratan Kumar Jha the claimant was actually employed by the M/s. Fire Cool Engineers i.e. the management No. 2 which was one of the firm to whom one such contract for operation and comprehensive maintenance of Auto Fire Detection and wet riser system at TE Building, Hauz Khas, New Delhi, was awarded. The contract was awarded after calling for tenders etc. The above said workman/claimant was never employed by the management No. 1 further more it can be said that the workman was not employee of the management No. 1 since the workman was appointed and paid by the management No. 2 and not be the management No. 1.

That the para 4 of the claim petition is wrong and denied. It is wrong and specifically wrong and denied that work which has to be performed by the department itself and not through a contractor or contractor's labour. It is submitted that the work relating to maintenance of AC, Fire Detection etc. in Telephone Exchange is done through specialized contractors by annual maintenance contractors.

It is absolutely wrong that if any one is employed in these nature of work such workman would be and should be the employees of the principal employer i.e. the management No. 1 and not the management No. 2. However, once again submitted that workman is not employee of the department of Telecom. As already stated above in para 3 of reply on merits, the contract for operation and comprehensive maintenance of auto fire detection and wet riser system at TE Building, Hauz Khas, New Delhi was awarded to M/s Fire Cool Engineers. As per terms and conditions of the contract it is for the above said firm to fulfill the terms and conditions of the contract.

The dealing of the department is directly with the contractor i.e. the management No. 2 and not with the claimant. As such the question of working satisfactorily etc. does not arise. When the workman is not employee of the department of Telecom, Government of India, the question of terminating his services by the department of telecom does not arise.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the side and perused the papers on the record.

It was submitted from the side of the workman applicant that he was initially appointed on 01-02-1995 and later on he was promoted as Operator w.e.f.

26-8-1995 as his work was found satisfactory. It was further submitted that he continued as Fire Cool Operator at the Telecom Exchange Building of the DOT at Hauz Khas through M/s. Fire Cool Engineers who are Contractors for maintenance and operation of fire fighting system without any break. It has been further submitted that the duties discharged by the workman are of continuous and perennial nature. It is a work to be performed by the department itself and not through the contractor or contractor's men.

It was further submitted that a member of the CPWD Karamchhari Union as a Registered Union raised an industrial dispute as he has completed 240 days work. The dispute raised by the CPWD Union for regularization of his services of the workman enraged the management and he was wrongfully and illegally terminated by the management. This action of the management is in violation of Section 33 (2) (b) of the ID Act, 1947 as his services cannot be terminated without prior approval of the ALC (C) but the management has not sought any approval from the ALC (C).

It has been further submitted that the so-called contract system is sham and camouflage to escape regularization and the other benefits which are to be conferred upon to the workman by the management. The Hon'ble Supreme Court in JT 1995 (4) SC 264 has held that in case the contract is a sham one the contract labour becomes the direct employee of the management. The nature of work performed by the workman is of perennial nature so the contract labour cannot be employed for that work.

It has been submitted by the management that there is no relationship of employer and employee and that of master and servant between the claimant and the respondent No. 1. The claimant was never engaged by respondent No. 1. He was an employee of the contractor so he is not a workman in view of Section 2(s) of the ID Act, 1947 and the claim of the workman is absolutely misconceived. He was engaged by Contractor agency i.e. M/s. Fire Cool Engineers and he was not employed by the management. The claim has been filed against respondent No. 1 and 2, respondent No. 2 is M/s. Fire Cool Engineers, the contractor which engaged the workman applicant.

It is admitted even to the claimant the he was engaged through M/s. Fire Cool Engineers but the work is of perennial nature and the contractor is only a name giver. There is no real contract between the management no. 1 and 2 in case the contract is sham. The contract labour will become direct employee of the management.

It transpires from the copies filed by the management that on 1-8-1996, the contract was given to M/s. Fire Cool Engineers inviting him for entering into an agreement and contract was entered into between M/s. Fire Cool Engineers and the management. The copy of the agreement has been annexed with the record. Duties to be performed by the contractor have also been stipulated.

The workman applicant has himself filed letter dated 11th September, 1996 in which he has admitted that since his appointment in the department is through the contractor, he has never been paid "Equal Pay for Equal

Work/Minimum Wages" under the law invoked. The contractor has not paid him HRA, CCA and other benefits. He has not also been paid OT wages. The contractor has not disbursed salary for July. The contractor illegally deducted Rs. 500 from his salary in the month of May, 1996 without any fault on his part and that too after signing the pay vouchers.

It has been further alleged in this letter that the contractor has not made payment for the month of August, 1996. These allegations in the letter of the workman applicant go a long way to establish that payment to the workman was made by the contractor. Illegal deduction of Rs. 500 from his salary also indicates that the workman performed duties under the control of the contractor. He did not perform satisfactory duties so the contractor has deducted Rs. 500 from his salary for the month of May, 1996. The allegations mentioned in the letter regarding non-payment of wages to the workman applicant indirectly proves that he was paid by the contractor and he worked under the control of the contractor. In case contractor is only a name lender and the workman discharges duties under the control and supervision of the management, in that case the contract labour becomes an employee of the management but according to the allegations of the claimant payment was made to him by the contractor and deduction of payment was also made by the contractor so he worked under the supervision of the contractor and there was contract for service and not contract of service. The Hon'ble Supreme Court have laid down certain guidelines for reaching the conclusion that the contract is a sham one and camouflage and the intermediary or jobber is only name lender. The workman in such circumstances should be under the direct control and supervision of the management. His services should be integrated to the management and payment should be made to him by the management but in the instant case the workman performed his duties under the control of the contractor and payment to him was made by the contractor so it cannot be said that he worked under the supervision and control of the management and his services were integrated to the management. In the facts and circumstances of the case the contract is not a camouflage or sham and the workman cannot be treated to be the direct employee of the management. Though the work is of perennial nature and such works should be performed by regular employees but since the contract is not a sham one, the claimant cannot be held to be an employee of the management. I find no force in the claimant's statement. The law cited by the workman applicant is not applicable in the present facts and circumstances of the case.

The reference is replied thus :—

The action of the management of Deptt. of Telecom in terminating the services of Shri Ratan Kumar Jha allegedly working through Fire Cell Engineers (Contractor) w.e.f. 03-10-1996 is legal and justified. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date : 22-7-2005.

R. N. RAI, Presiding Officer

2427 GI/05-29

नई दिल्ली, 4 अगस्त, 2005

का.आ. 3087.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.टी.एन.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 7/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2005 को प्राप्त हुआ था।

[सं. एल-40012/52/98-आईआर (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 4th August, 2005

S.O. 3087.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 7/99) of the Central Government Industrial Tribunal/Labour Court, No. II, New Delhi now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of MTNL and their workmen, which was received by the Central Government on 4-8-2005.

[No. L-40012/52/98-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II, NEW DELHI

R. N. RAI, Presiding Officer

I.D. No. 7/1999

In the matter of:—

Shri Vijay Kumar,
S/o Shri Kirpal Nath,
D-28, Gali No. 26, Molar Band,
Badarpur, New Delhi.

VERSUS

1. Mahanagar Telephone Nigam Limited, through its General Manager, Khurshedlal Bhawan, New Delhi.
2. Sub Divisional Engineer (Staff) "N", M.T.N.L. Office of the General Manager (N), I.S.B.T. Building Kashmere Gate, Delhi.
3. Divisional Engineer (Phone), M.T.N.L. Tis Hazari Telephone Centre, Delhi.

AWARD

The Ministry of Labour by its letter No. L-40012/52/98-IR (DU) Central Government Dt. 18-11-1998 has referred the following point for adjudication :

The point runs as hereunder :—

“Whether the action of the management of MTNL, New Delhi in refusing to take back in employment Shri Vijay Kumar after his acquittal by the Court is

legal and justified? If not, to what relief the workman is entitled?”

The workman has filed statement of claim. In his statement of claim he has stated that he was appointed as daily wager (DRM) by the management on 21-03-1983 and he worked continuously till 25-07-1985. He was placed under suspension doubt institution of a false criminal case bearing FIR No. 354/1985 under Section 457/511 IPC.

That the applicant has worked for two years and in the criminal case the applicant has been acquitted by the Court after prolonged time. That after acquittal he moved an application dated 15-07-1990 to the respondents paying therein for his reinstatement in service. Thereafter he sent letter to the GM on 13-12-1993 and 10-10-1994 for taking him on duty. When the workman did not receive any response from the management and when he visited the respondents he received the letter dated 13-09-1994. That he was falsely implicated in the criminal case as he did not work for the Assistant Engineer at his house and he was annoyed and he involved him in false case. He approached the respondents several times but he was refused duty. He has been removed from the service without any inquiry which is illegal as he has acquired status of temporary employee. He has worked for more than 240 days so Section 25F of the ID Act is attracted. He has not been paid any compensation. He is unemployed since then and he is facing starvation. The order of the termination is illegal, arbitrary and against the principles of natural justice and equity and law of land and further it is against the fundamental rights as are enshrined in the Constitution of India and the impugned termination in violation of various provisions of the ID Act, 1947. The management has filed written statement. It has been stated in the written statement that the workman was a daily wager and his employment came to an end on the expiry of each day. He committed theft and FIR was lodged against him. The Trial Court acquitted him by giving him benefit of doubt and the case property was returned to the original owner, MTNL. He has worked for 129 days from January, 1985 to July, 1985 and thereafter he was involved in the criminal case. He never reported for duty for more than four years from the time he was involved in the criminal case. He moved an application for the first time on 15-01-1990 which was after thought as he has abandoned the job when he was involved in criminal case. Thereafter on 10-10-1995 he wrote letter for reinstatement as he was acquitted by the Trial Court in criminal case. That he filed a belated claim on 07-05-1997 after 13 years of his removal from service.

It has been stated that reference has not been made by the appropriate Government and the matter does not constitute an industrial dispute under ID Act, 1947. The reference is bad in law. The workman applicant sent letter for resuming his duties after a lapse of five years. He was invoked in a case of theft so it was not proper to assign him any duty. The Hon'ble Criminal Court has given the workman applicant benefit of doubt so there is no clear cut acquittal. It has been held in AIR 1992 SC 2070 that adhoc appointee and appointee on contractual basis cannot claim regularization. It has been further stated that in view of AIR 1992 SC 2130 the appropriate Government should not

be referred the matter but the appropriate Government failed to apply its mind and acted in excess of jurisdiction since the claimant has deserted the engagement of the respondent as daily wager in 1985 and asked for resumption of duties as per his own contention after five years in 1990. It has been held in 1993 II LLJ 638 that if the claimant has intentionally deserted his employment he cannot claim regularization. The claim of the workman applicant should be rejected on this very ground. There is delay and laches on the part of the workman applicant.

The reference is bad in law and the Court or Tribunal has no jurisdiction to decide that he was purely an ad hoc employee and he worked for 112 days only. The assignment came to an end afflux of time. The management has denied most of the paras of the claim statement. It has been further stated that in view of JT 1994 (50) SC 176 and JT 1994 (1) SC 281, if the contention of the claim is admitted it will amount to amendment of law which is not within the jurisdiction of this Hon'ble Tribunal in view of the aforesaid two cases. There is no violation of fundamental rights in view of AIR 1992 SC 2070. The claim cannot be entertained after a lapse of 10 years. He has abandoned his employment so he is not entitled to reinstatement in view of JT 1997 (3) SC 539 the Hon'ble Supreme Court has held in AIR 1974 SC 2080 and 1997 (3) SC 539 that a legal right cannot be enforced if there is laches and delays on the part of the claimant and the Hon'ble Tribunal has no jurisdiction in view of 1973 II LLJ 7306 and AIR 1974 SC 2080.

The claimant has filed rejoinder and in his rejoinder he has denied most of the paras of the written statement and he has asserted that he has worked for complete two years and he has obtained the status of a regular employee. In case he was involved in a criminal case the management should hold a domestic inquiry and after holding the domestic inquiry only his services can be terminated. She has been acquitted in criminal case and no domestic inquiry has been held against him so he is entitled to reinstatement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on record.

It was submitted from the side of the workman applicant that he has worked for two years and this has been admitted by the management. The SDE, MTNL has issued a certificate that the workman has worked from July 1983 to July 1985 and Gate Pass No. 8462 was issued to him on 26-04-1984 which was valid up to 30-06-1984. The management has given a certificate regarding the work of the workman applicant though this a photocopy but it is supported by the affidavit of the workman applicant. It has not been denied by the management so this paper is admissible in evidence and according to this certificate the workman applicant has worked for two years. This fact has been admitted evasively even by the management witness and in written statement also it has not been specifically denied that he did not work for two years. The management has issued muster roll Identity Card to the workman applicant. This paper has also not been denied by the management. The management has further issued certificate and has admitted that he worked for 112 days from March

1983 to July 1983. The management has further issued certificate that the workman applicant worked from July 1983 to December 1983 for 151 days, January 1984 to December 1984 for 314 days and January 1985 to July 1985 for 129 days so he has worked for more than 600 days according to the admission of the management. Photocopies of the certificates have been filed by the workman applicant and the management has not denied the same. The MW-1 has expressed his ignorance regarding the work of the workman applicant for two years so no witness from the management has come to deny the photocopies of certificate issued by the management. The certificates regarding work issued by the management and implied admission of the MW-1 goes a long way to prove fact that the workman applicant worked from July 1983 to July 1985 continuously for 606 days. This fact has gone unrebutted. The certificates do not show that the workman applicant was a daily wager or he was an adhoc appointee. The workman has stated that primarily he was a daily wager but he was engaged on muster roll basis so the workman applicant has worked for two years on muster roll so he shall be deemed to be a temporary employee according to Section 25F of the ID Act, 1947. It has been provided in Section 25F that the workman employed in an industry who has worked for not less than one year continuously cannot be retrenched without giving one month's notice in writing and compensation equivalent to 15 days for every completed years of continuous service. In this case management has arbitrarily and illegally violated the provisions of Section 25F of the ID Act, 1947. No notice or retrenchment compensation has been paid to the workman so Section 25F of the ID Act is attracted. The law cited by the management that the reference is bad in law and the appropriate Government has not applied its mind is not applicable in the facts and circumstances of the case. The reference is valid in view of Section 25F of the ID Act, 1947.

The law cited by the management regarding ad hoc and daily wager appointment is also not applicable in the facts and circumstances of the case. The workman applicant is not a daily wager. He has worked from two years continuously so Section 25F of the ID Act, 1947 is squarely applicable in the case of the workman applicant. He is not an ad hoc employee and he is not an employee on daily wage basis as he has worked continuously for two years. The law cited by the management regarding jurisdiction of this Tribunal is not applicable in the facts and circumstances of the case. I have gone through all the citations referred to by the management in the written statement itself and on perusal it becomes quite obvious that the law cited by the management of the Hon'ble Supreme Court and the Hon'ble High Court is not applicable in the facts and circumstances of the case as the workman is not an ad hoc appointee, he is not a daily wager, Limitation Act is not applicable in ID Act cases and the workman has not been paid retrenchment compensation and one month's notice.

It was submitted from the side of the workman applicant that he has been acquitted by the Hon'ble Court so the management should reinstate him. It has been held in AIR 1991 SC 1310 that the acquittal from a criminal charge does not debar the disciplinary authorities to initiate

disciplinary proceedings and after giving an opportunity of hearing to the applicant, pass an order of termination on the basis of the terms and conditions of the order of his appointment. I have perused the acquittal order of the Trial Judge. The Trial Judge has acquitted the workman on the sole ground of giving him benefit of doubt. As such there was some evidence against the workman but the guilt against the workman was not proved beyond reasonable doubt so the Trial Court gave him benefit of doubt. The management can still proceed in domestic inquiry against the workman applicant in view of the decision of the Hon'ble Supreme Court.

My attention was drawn to AIR 1996 SC 1710, 1986-TILJ-134. The law cited by the workman applicant is not applicable in the facts and circumstances of the case as it is not the case of order of discharge and equal pay for equal work. In case the workman is involved in some criminal offence and he is acquitted the management has still right to proceed in the domestic inquiry against the workman applicant and the acquittal of the Trial Judge will not preclude the management to proceed against the workman applicant but the management has not done so. It was submitted from the side of the management that the workman himself abandoned his work. He has admitted in his cross examination that he was a daily rated mazdoor and he did not report for duty till the criminal case was going on. He has also admitted in his cross examination that he reported for duty on 15-01-1990 with the application to permit him to join. He has also admitted that he worked from January, 1985 to July, 1985 for 129 days. He has admitted that he is un-employed and his father is running his family after his termination. The workman is an illiterate person. He has filed certificates and it is proved by the certificates that he has worked for more than 240 days and leading question has been asked by the management. He has further admitted in his cross examination that he sent letters to the management on 10-10-1994 and 10-10-1996 by hand and it was received by a person in the office, he did not know his name, so according to the oral evidence of the workman applicant after letter dated 15-01-1990 he has not sent any registered letter to the management. He has annexed on the record paper no. 14 English translation of letter dated 22-1-1990 in which he has annexed judgement of the Hon'ble Court but this letter bears date 18-4-1985 so it appears to be false. He has also filed copy of the letter dated 13-12-1993 but there is no proof that this letter has been given to the management. He has also filed a letter page 16 but there is no proof that this letter has been served on the management. He has also filed letter dated 10-10-1994 but there is no proof that this letter has been given to the management. The management on 13th September, 1994 sent a letter to the workman that his appeal for reinstatement in service has been considered by the competent authority but it is regretted that it could not be acceded.

From perusal of the letters of the workman applicant it appears that he was not very much interested in getting himself reinstated. He has admitted that he has sent one letter by registered post and there is no proof of his submission of the other letters so there is delay and laches on the part of the management. His service was terminated

in 1985 but he has moved this ID case in 1999 so it appears that he was engaged somewhere else and that is why he was not very much keen that he should be reinstated. There is doubtless delay and laches on the part of the workman. Delay and laches deprive a person of his equitable rights. The management has not held any inquiry so it was not justified for the management not to reinstate the workman applicant after his acquittal by the Court. After reinstatement the management is on liberty to hold domestic inquiry despite the judgement of the Trial Court.

In view of delay and laches on the part of the workman applicant he is not entitled to be reinstated with full back wages w.e.f. the date of termination of his service. However, he deserves to be reinstated with 25% back wages from January, 1999 the year of filing of the ID case.

The reference is replied thus :—

The action of the management of MTNL, New Delhi in refusing to take back in employment Shri Vijay Kumar after his acquittal by the Court is neither legal nor justified. The workman applicant is entitled to be reinstated from January, 1999 with 25% back wages. The management may initiate disciplinary proceedings against the workman applicant and take appropriate action accordingly.

The Award is given accordingly.

Date: 21-07-2005.

R.N. RAI, Presiding Officer

नई दिल्ली, 4 अगस्त, 2005

का. आ. 3088.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, कोझीकोड, केरल स्टेट के पंचाट (संदर्भ संख्या आई०डी० (सी) 5/02) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-2005 को प्राप्त हुआ था।

[सं. एल-12012/122/2002-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 4th August, 2005

S.O. 3088.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. (C) No. 5/02) of the Labour Court, Kozhikode, Kerala State now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 3-8-2005.

[No. L-12012/122/2002-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE LABOUR COURT, KOZHICODE,
KERALA STATE.

Dated this the 8th day of July, 2005.

Present :

Shri K. Balasubramanian, B. Com., LL.B.,
Presiding Officer.

I.D. (C) No. 5/02

BETWEEN

The Deputy General Manager,
S.B.I. Zonal Office,
Ernakulam-682 011.

....Management

AND

P. N. Bhargavi,
D/o. Madhu,
Parakkal House,
Koodaranhi,
Calicut-673 604

....Workman

Representations :

Sri N. Ramakrishnan,
Advocate, Calicut.

....For Management

Sri T.M. Rajasekharan,
Advocate, Calicut

....For Workman

AWARD

This reference was made to adjudicate the justifiability of the action of the management in terminating the service of the worker by name Smt. Bhargavi and to consider her eligibility for reinstatement in service or alternate reliefs.

2. It is the case of the worker that she was working as Janitor-cum-Sweeper in the Koodaranhi Branch of the Management—Bank from 14-4-1994 on a consolidated salary of Rs. 500/- per month which was subsequently enhanced to Rs. 1,540/- per month. This was in addition to Rs. 20/- per week paid as special allowance for cleaning toilets. Worker was also entrusted with the duties of preparing noon meals and refreshment for staffs in addition to her normal cleaning works. Preparation of food for the staff was necessitated on account of the location of the Bank in a remote place where there are no restaurant or catering facilities. Though the worker was regularly paid, her name was not included in the muster roll or attendance register. She has worked in the Bank almost uninterruptedly from 1-4-1994 to 5-9-1998 on which day the management illegally terminated her from service without any charge of mis-conduct or hearing her. So the worker prays to set aside the order of termination and reinstate her in service with continuity of service and backwages.

3. The management denies the claim of worker that she was employed and paid by it. According to the management the worker was temporarily engaged by the local implementation committee headed by the President who is an Officer of the Bank and consisting of the members of the supervising staffs of the concerned branch for supply of tea and snacks to the staff members on daily basis. Remuneration was also paid by the committee. The expenses was met by collecting contribution from the staff members. The committee is different from the management. The management had no control or supervision over the worker. The management also denies the period of work stated to have been undertaken by the worker and the allegation of illegal termination from the service of the Bank. The evidence consists of oral evidence of WW1 and MW1 and documentary evidence Ext. M1.

4. The points for consideration are :—

- (1) Whether Smt. Bhargavi was a workman of the management—Bank?
- (2) Whether her service was illegally terminated by the management? If so, is she liable to be reinstated in service or get any other reliefs?

5. **Points :** Worker when examined as WW1 has deposed that she was engaged by the Management—Bank to attend cleaning and sweeping works as well as preparation of snacks and food for the staff of the Bank, that she was initially paid monthly wages of Rs. 500/- and subsequently enhanced to Rs. 1540/- and Rs. 1700/- that the working time extended upto 5 'O' clock in the evening from 9 'O' Clock in the morning and that she was illegally denied employment from 21st September, 1998. As against her evidence a Senior Officer of Koodaranhi Branch where the worker was employed has given counter evidence denying the employment of worker by the management—bank and payment from the Bank. According to him the worker was engaged by the local implementation committee constituted for the welfare of the staff members of the Bank. The witness has also denied the preparation of food from the Bank. Undoubtedly the burden of proof that the worker was in the employment of the management primarily rests on the worker who has made the claim. The degree of such proof so required would vary from case to case.

6. Through the case of the worker is that she was continuously employed in the Bank from 12-4-1994 to 20-9-1998, she has not produced any documents to evidence her appointment by the Bank or payment of wages by the Bank. In cross-examination graciously admitted that the worker had worked in the Bank atleast 10 to 15 days intermiffuter in a year. The Bank who is the custodian of best evidence has also not produced any documents to show the period of work, undertaken by the worker. This assumes some relevance since this is not a case where the management totally denied the employer-employee relationship. Bank has also no case that anybody else was attending the sweeping works during the disputed period. Bank has also not examined any of the Officers who were working in the particular branch during the relevant period. I do not also find anything to discard the oral version of the worker. The preparation of snacks or lunch in all cases may not be work related with the functioning of the bank, unlike sweeping works. Though the functioning of a local implementation committee in the Koodaranhi branch is evidenced by Ext. M1, there are absolutely no materials to show that the worker was engaged or paid by the committee. The worker sought to cause the production of vouchers and other documents of local implementation committee to disprove the case of the management by filing an application to that effect. But the management denied the custody of the summoned documents stating that they are with the Secretary of the local implementation committee. The learned counsel on behalf of the management contended that in view of the counter statement, worker ought to have persuaded the matter by taking steps to the Secretary of the local implementation committee to cause their production.

7. It is in evidence that the President of the committee is none other than the Manager of the particular branch. No doubt he is holding a dual position. But I do not think that the worker who denies her employment by the committee has any further burden in causing the production of related documents from the committee whereas it was for the management to produce cogent evidence to establish that the worker was employed and paid by the committee which has not been done in this case. So, in any event of the matter, I fear that the case of the management, if accepted, would amount to wrong shifting of onus on the worker. From the evidence I find that the worker has succeeded in establishing that she was a workman of the Bank.

8. Worker has stated in evidence that she was unjustly denied employment by the management. The management has no case that the worker abandoned the job or any evidence to discredit the version of the worker. At the same time there is nothing to show that the worker was appointed after undergoing the requisite recruitment formalities. MW1 has also stated that there is no sanctioned post of sweeper in the Bank. So it may not be feasible to order reinstatement of worker in service. At the same time there is nothing to show that there was due compliance of S. 25F of the Act. Illegality in making appointment, may not be also a ground to refuse to follow the provisions of S. 25F of the Act. Considering the special situation in hand I am of the view that it is only just and proper to order payment of compensation to the worker in lieu of reinstatement. Having regard to the period of service, loss of future employment prospects, wages paid and other circumstances it is only just and proper to award Rs. 10,000/- as compensation.

9. In the result, an award is passed holding that the action of the management in terminating the service of the worker by the management is unjustifiable. The management is directed to pay Rs. 10,000/- as compensation to the worker in lieu of reinstatement within two months of the passing of award lest the amount will carry interest at 6% per annum.

Dictated to the Confidential Assistant, transcribed by her, revised, corrected and passed by me on the 8th day of July, 2005.

K. BALASUBRAMANIAN, Presiding Officer

Appendix

Witnesses examined from the side of the Management :—

MW1 : Augustine Joseph.

Witnesses examined from the side of the Workman :—

WW1 : Bhargavi

Documents marked from the side of the Management :—

Ext. M1 : True copy of the Instruction Manual from 1983.

Documents marked from the side of the Workman :—

NL

नई दिल्ली, 5 अगस्त, 2005

का. आ. 3089.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. लाला राम सरोप टी.बी. अस्पताल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 94/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-2005 को प्राप्त हुआ था।

[सं. एल-42012/107/2000-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 5th August, 2005

S.O. 3089.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 94/2000) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Lala Ram Saroop T.B. Hospital and their workman, which was received by the Central Government on 05-8-2005.

[No. L-42012/107/2000-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

I.D. NO. 94/2000

Presiding Officer : R. N. Rai

In the Matter of :—

Shri Prakash Chand,
C/o. Puran Chand Verma,
C-63, Gali No. 2,
Bhajanpura,
Delhi-110053.

VERSUS

The Director,
M/s. Lal Ram Saroop TB Hospital,
Sir Aurobindo Marg,
New Delhi-110001.

AWARD

The Ministry of Labour by its letter No. L-42012/107/2000/IR (DU) Central Government Dt. 29-8-2000 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the Managing Director, Lala Ram Saroop TB Hospital, New Delhi in stopping from services on verbal orders to Shri Prakash Chand w.e.f. 16-6-1996 is justified, reasonable, legal and valid? If not, to what relief the workman is entitled?”

The workman applicant has filed statement of claim. In statement of claim it has been stated that he worked in TB Hospital from May 1999 on a salary of Rs. 2,200/- per

month. There was no allegation of misconduct. His service was satisfactory. He was removed from service on the ground of false allegation by a Nurse.

No charge-sheet was given to him and no inquiry was conducted. He was removed on false allegations. Despite his request he was not given duty by the management. It was further stated that on 16-6-1996 he was beaten by an official Shri Shiv Narain and he was removed from service. The management did not reply to his several letters. He sent demand notice but no reply was given.

The management has filed written statement. In the written statement it has been stated that the institute of TB and allied diseases is a autonomous institute under the Ministry of Health and Family Welfare Central Government. It is a research center and it is not an industry. The aim of the hospital to undertake, aid, promote, guide, co-ordinate research activities in the various aspects. The hospital receives donation from individuals and grant from the Government and all the income is utilized for the promotion of aim and object of the hospital.

The workman applicant has filed rejoinder and in his rejoinder he has reiterated the averments of his claim statement.

It transpires from perusal of the order sheet that none was present on 12-2-2004. The management was present on 18-3-2004 but the workman was not present. It also transpires that the workman was not present on 30-8-2004. The workman was directed to file affidavit. His counsel was present on 6-1-2005 but affidavit was not filed. None was present on the 5-4-2005. The management was present on 13-7-2005. The workman applicant was not present. His affidavit has not been filed despite several dates given so the case was reserved for award.

It is thus clear that the workman applicant has not filed affidavit though he was present on some dates and he was directed to file affidavit. The workman has not filed affidavit despite several dates even he was present on 8-11-2004 still did not file affidavit. The claim statement is not supported by any affidavit. The management has been present on several dates. The burden is on the workman to prove his statement of claim. He has not proved his statement of claim.

The reference is replied thus :—

The action of the Managing Director, Lala Ram Sarup TB Hospital, New Delhi in stopping from services on verbal orders to Shri Prakash Chand w.e.f. 16-6-1996 is justified, reasonable, legal and valid. The workman applicant is not entitled to get any relief as prayed for.

The Award is given accordingly.

Date : 25-7-2005

R.N. RAI, Presiding Officer

2427 GI/2005—31

नई दिल्ली, 5 अगस्त, 2005

का.आ. 3090.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बेंगलूर के पंचाट (संदर्भ संख्या 27/03) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-2005 को प्राप्त हुआ था।

[सं० एल-40011/4/2003-आईआर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 5th August, 2005

S.O. 3090.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 27/03) of the Central Government Industrial Tribunal/Labour Court, Bangalore, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workmen, which was received by the Central Government on 5-8-2005.

[No. L-40011/4/2003-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
BANGALORE**

Dated : 20th July, 2005

Present :

SHRI A.R. SIDDIQUI, Presiding Officer

C.R. No. 27/03

I Party

The District Secretary,
All India Telecom
Employees Union
Class III, Bellary

II Party

1. The Chief General Manager,
Telecom. Office
Ulsoor Road,
Bangalore
2. The General Manager
Telecom. BSNL,
Bellary Telecom, District
Bellary.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-40011/4/2003-IR (DU) dated 2-5-2003 for adjudication on the following schedule :

SCHEDULE

“Whether the action of the management of M/s. BSNL, Bellary, Karnataka in not extending the benefit of continuity of service to Shri H. Shambhunath, Shri A.S. Hosmath and Shri Jagadish Kulkarni from the date of their engagement as Telephone Operators is justified? If not to what relief, award the aforesaid three employees are entitled to ?”

2. After the receipt of the reference from the Govt., notices were taken against both the parties to appear before this tribunal and to put forth their respective claims. It can be seen from the records that the notice of appearance sent to the District Secretary, All India Telecom. Employees Union, Class III, Bellary who was the party as per the 'Reference' sent to this tribunal by the Government was duly served but he did not choose to appear before this tribunal or to put forth the Claim Statement on behalf of the first party workmen. However, this tribunal through post received the Claim Statement, personally, signed by all the three first party workmen.

3. As far as the Second Party is concerned, it made appearance through counsel and filed its Counter Statement challenging the Claim Statement filed by the first party workmen.

4. The case of the first party workman as per the Claim Statement, to put in nutshell, is that they were qualified for the post of Telephone Operator and were selected for appointment to the said post w.e.f. 18-7-84. They also completed the prescribed training for 3 months as Telephone Operators and were relieved from the training classes with a direction to report for duty as Reserved Trainee Pool (RTP); that consequent upon their completion of prescribed training and being appointed as Telephone Operators, they were directed to perform duties as RTP service as Telephone Operator from 18-10-1984 in various Telephone Exchanges. Their duty as RTP was of 8 hours like regular Telephone Operators but no pay and allowances were paid; that subsequently i.e. after having worked as RTP, they were appointed on regular basis on 21-4-1986, 7-2-86 and 24-4-86 (first party workmen 1 to 3 respectively). They were confirmed in the cadre on 1-4-88. However, the period from commencement of the training to the date of regular employment has not been reckoned by the management for any of the purposes and thereby the first party were to lose two years service resulting loss of Seniority, loss of remuneration and loss in career advancement such as time bound promotions etc. Therefore, the first party workmen requested this tribunal to declare the order No. GMT LR No. E/3-128/00-01/05 dated 4-12-2000 as unconstitutional and against the interest of the first party workmen being in violation of natural justice with a further direction to the management to count the services of the first party workmen served as RTP/Telephone Operator for all the purposes and declare it as regular and continuous service conferring all the consequential benefits such as Seniority, time bound promotions, pay fixation and all other monetary benefits.

5. As noted above, the management resisted the said claim by filing its Counter Statement and the case of the management at Paras 3 to 8 is as follows :

"Para 3 : that the averments made in Para 4 of the Claim Statement is incorrect and far from truth. In fact the claim of the Applicant that they were called as Telephone Operators is not correct, as per the Advertisement published by the Department which clearly indicates that the applicant/first party are called for Telephone Operator as well as RTP. As per

the Recruitment procedure the candidates will be absorbed on their merits to the vacancy of Telephone Operators first and balance as RTP. The RTPs were to absorb as and when vacancy arises. Such being the case the first party cannot contain that they were selected for appointment. The first party is put to strict proof of the same.

Para 4 : that the averments made by the first party that they are relying on the documents enclosed by them which are incorrect. The selected candidates were absorbed as Telephone Operators and RTP as per the Paper Advertisement published by the Second Party.

Para 5 : that the averments made in Para 4.3 of the Claim Statement is false. The first party/applicant had not been given work for some time and entire RTP period as they were generally ask to work on short duration whenever their services are required by the Second Party. Copy of the RTP work entrusted to 3 applicants for the period October to November 1994 is produced for the kind perusal of this Hon'ble Tribunal, which indicates their performance. The said applicant has worked for 16 days in 2 months. For the work rendered by the Applicants, they have been paid at hour rates of Rs. 2.75 per hour as per the rules, which exist at that relevant time. The duty hours of the applicants for entire RTP period will be similar as aforesaid. Moreover the Applicant/First party has not worked throughout the RTP period as claimed by them in Claim Statement.

Para 6 : that the averments made in Para 4.4 and 4.5 are only to misrepresent this Tribunal. The applicants herein have misconceived the paper advertisement published by the Second Party at that relevant time. It is clear from the paper advertisement that the selection was also to be made for the RTP. The copies of the appointment orders as Telephone Operators furnished by the applicants are concocted for the purpose of using the same in the judicial proceedings to make this Hon'ble Tribunal to believe that the document is the genuine, the contents of the appointment order furnished by the applicants do not disclose the entire contents and same is not in accordance to original. Moreover the said copy not signed by the concerned authority. All the copies furnished by the Applicants are one and the same. Therefore, under the said facts and circumstances the applicants are liable to be prosecuted in accordance to the procedural statute for furnishing the false documents.

Para 7 : that the averments made in Para 4.6 to 4.10 are far from truth the first party/applicant is put to strict proof as stated supra. The selection was for the telephone operator and RTP and absorption of RTP is subject to vacancies. There was and there is no vacancies whatsoever available in the department of second party. The existing rules O.T.B.P./C.C.R. etc. will count from regular date of beginning the work. Even the Apex court has rendered decision

that any service which was rendered prior to regular service in the cadre cannot count, because it cannot be considered as service in eligible cadre, therefore the claim of the applicants cannot be considered by this Tribunal. The applicant is aware of the rules in question at the time of their posting as RTPs. Subsequently there was no any representation given by the applicant to the concerned officer at the relevant point of time as they had knowledge of existing rules such being the case after the lapse of 17 years the applicants/first party cannot raise the contention that the service should be observed and regularized by considering the representation made in the year 2001.

Para 8 : that the averments made in the para 5 of the Claim Statement is imaginary, misconceived and unsustainable. It also amounts recurrence of averments made in the earlier claim statement. The advertisement given by the Second Party is self explanatory in respect of terms and conditions of the work for which purpose the applicant were engaged. The statements made in the Claim Statement only to misrepresentation this tribunal the applicant put strict proof of the same."

6. After the management filed its Counter Statement, once again this court took notice to the first party Union Secretary whose address only was given in the 'Reference' by way of registered post and that notice once again though was served upon the Union Secretary, he failed to remain present before this tribunal. Therefore, the case came to be posted for evidence of the Second Party, if any. On 4-4-05 the management filed an affidavit evidence of its witness and got marked four documents at Ex.M1 to M4. Since there was no representation for the first party union and the first party workman, the management witness stood discharged. As a last chance to the first party case was posted for evidence of the first party. On 23-6-05 when the case was taken up for the above said purpose, the first party workmen once again remained absent and there being no representation on their behalf much less on behalf of the first party union, the matter was taken as closed for the purpose of evidence and after having taken the arguments as heard, it is posted for award. The Statement of the management witness by way of his affidavit at Paras 4 to 9 relevant for the purpose is as under :

Para 4 : I submit that, the averments made in para 4 of the Claim Statement is incorrect and far from truth. In fact the claim of the Applicant that they were called as Telephone Operators is not correct, as per the Advertisement published by the Department which clearly indicates that the Applicant/First party are called for Telephone Operator as well as RTP. As per the Recruitment procedure the candidates will be absorbed on their merits to the vacancy of Telephone Operators first and balance as RTP. The RTPs were to absorb as and when vacancy arises. Such being the case the first party cannot contain that they were selected for appointment. The first party is put to strict proof of the same.

Para 5 : I submit that the averments made by the first party in the Claim Petition that they are relying on the documents enclosed by them, which are incorrect. The selected candidates were absorbed as Telephone Operators and RTP as per the Paper Advertisement published by the Second Party.

Para 6 : I submit that the averments made in para 4.3 of the Claim Statement is false. The first party/ applicant had not been given work for some time and entire RTP period as they were generally ask to work on short duration whenever their services are required by the Second Party. Copy of the RTP work entrusted to 3 applicants for the period October to November 1994 is produced for the kind perusal of this tribunal, which indicates their performance. The said applicant has worked for 16 days in 2 months. For the work rendered by the Applicants, they have been paid at hour rates of Rs. 2.75 per hour as per the rules, which exist at that relevant time. The duty hours of the applicants for entire RTP period will be similar as aforesaid. Moreover the Applicant/First Party has not worked through out the RTP period as claimed by them in Claim Statement.

Para 7 : It is submitted that the averments made in paras 4.4 and 4.5 of the Claim Statement are only to misrepresent this tribunal. The applicants herein have misconceived the paper advertisement published by the Second Party at that relevant time. It is clear from the paper advertisement that the selection was also to be made for the RTP. The copies of the appointment orders as Telephone Operators furnished by the applicants are concocted for the purpose of using the same in the judicial proceedings to make this tribunal to believe that the document is the genuine, the contents of the appointment order furnished by the applicants do not disclose the entire contents and same is not in accordance in original. Moreover, the said copy not signed by the concerned authority. All the copies furnished by the Applicants are one and the same. Therefore, under the said facts and circumstances the applicants are liable to be prosecuted in accordance to the procedural statute for furnishing the false documents.

Para 8 : I submit that the averments made in Para 4.6 to 4.10 of the Claim Statement are far from truth the first party/applicant is put to strict proof as stated supra. The selection was for the telephone operator and RTP and absorption of RTP is subject to vacancies. There was and there is no vacancies whatsoever available in the department of Second Party. The existing rules OTBP/BCR etc. will count from regular date of beginning the work. Even the apex court has rendered decision that any service which was rendered prior to regular service in the cadre cannot count, because it cannot be considered as service in eligible cadre, therefore, the claim of the applicants cannot be considered by this tribunal. The applicant is aware of the rules in question at the time of their posting as RTPs. Subsequently there was no

any representation given by the applicant to the concerned officer at the relevant point of time as they had knowledge of existing rules such being the case after the lapse of 17 years the applicant/first party cannot rise the contention that the service should be observed and regularized by considering the representation made in the year 2001.

Para 9 : I submit that the averments made in the Para 5 of the Claim Statement is imaginary, misconceived and unsustainable. It also amount recurrence of averments made in the earlier claim statement. The advertisement given by the second party is self explanatory in respect of terms and conditions of the work for which purpose the applicant were engaged. The statements made in the Claim Statement only to misrepresentation this tribunal the applicant put strict proof of the same."

7. As seen above, the case of the first party workman is that at the beginning itself i.e. w.e.f. 18-7-84 they had been appointed as Telephone Operator and there upon had undergone training for 3 months. It is their further case that after having completed the training successfully, they were directed to perform duty as RTP and were appointed on regular basis on 21-4-86, 7-2-86 and 24-4-86 (workmen at 1 to 3 respectively) and their services came to be confirmed in the cadre Telephone Operator on 1-4-88. Therefore, the first party workmen wanted to say that their services rendered as RTP for about 2 years before they were regularly appointed as Telephone Operators must have been taken into account for all the service benefit purposes and since that has not been done, they have approached this tribunal.

8. Whereas, it is the case of the management that as per recruitment procedure, the candidates will be absorbed on their merits in the vacancy of Telephone Operators who worked as RTPs. Therefore, the first party workmen cannot contend that in the beginning itself they were appointed as Telephone Operators or that services rendered by them as RTPs should have been taken into account for all service benefits.

9. Keeping in view the above said respective contentions of the parties and so also the point of reference, an heavy burden was cast upon the shoulders of the first party workmen/first party union to substantiate the various contentions taken by them in their Claim Statement.

10. As seen above, the first party workmen remained absent by sending their Claim Statement through post and never bothered to appear before this tribunal on various dates of hearing to establish the case made out by them in their Claim Statement. It is the management which took pains to lead evidence on its party by getting 4 documents marked as per Ex.M1 to M4. The various contentions taken by the management in their Counter Statement, further, have been very much substantiated by the affidavit evidence of the management witness coupled with the above said documents marked on its behalf. One of the four documents produced by the management is the judgement copy of their Lordship of Supreme Court in Civil

Appeal Nos. 80-123 of 1996 wherein it is ruled that 'any service which was rendered prior to regular appointment in the cadre, cannot count for the purpose of this rule because it cannot be considered as service in any eligible cadre. Their Lordship further held that 'tribunal was therefore, wrong in granting to RTPs the benefit of service rendered by them prior to their regular appointment'. In my humble opinion, the principle laid down by their Lordship of Supreme Court in the aforesaid decision applied to the case on hand on all its fours. Here again it is the claim of the first party workmen that the services rendered by them as RTPs should have been considered as service of eligible cadre, namely, the Telephone Operators which claim cannot be granted or considered keeping in view of the principle laid down in the aforesaid decision. Moreover, as noted above, the first party workmen have not turned up to substantiate their claim made out in the Claim Statement. In the result, this tribunal has no hesitation to come to the conclusion that the claim put forth by the first party workmen is not tenable and hence reference is liable to be dismissed.

AWARD

Reference stands dismissed. No order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 20th July, 2005)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 8 अगस्त, 2005

का.आ. 3091.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ मैसूर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या सी आर-120 एण्ड 145/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-2005 को प्राप्त हुआ था।

[सं० एल-12012/5/95-आईआर (बी-1);

सं० एल-12012/12/95-आईआर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 8th August, 2005

S.O. 3091.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CR-120 & 145/97) of the Central Government Industrial Tribunal/Labour Court, Bangalore, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State bank of Mysore and their workmen, which was received by the Central Government on 5-8-2005.

[No. L-12012/5/95-IR (B-1);

No. L-12012/12/95-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
BANGALORE

Dated : 28th July, 2005

PRESENT :

SHRI A.R. SIDDQUI, Presiding Officer

C.R. No. 120/97

AND

C.R. No. 145/97

I Party

Shri B.B. Srinivasa,
S/o Boregowda,
R/o Boorvanahalli,
Near Huchamma Temple,
Kasaba, HASSAN

IInd Party

The Chief Manager,
State Bank of Mysore,
Opposite to S.P. Office,
HASSAN

And

Shri H.N. Chandrasekar,
S/o Nanjappa,
R/o Makkundur Hosahalli,
Malladevarapura Post,
HASSAN

The Chief Manager
State Bank of Mysore,
Opposite to S.P. Office
HASSAN

COMMON AWARD

1. The Central Government by exercising the powers conferred by clause (d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute *vide* order No. L-12012/5/95-IR(B-I)/and L-12012/12/95-IR(B-I) dated 8-3-96 and 12-7-96 for adjudication on the following schedule :

SCHEDULE for CR No. 120/97

“Whether the action of the management of State Bank of Mysore in terminating the services of Shri B.B. Srinivasa w.e.f. 30-11-1993 is justified? If not, what relief he is entitled to ?”

SCHEDULE for CR No. 120/97

“Whether the action of management of State Bank of Mysore in terminating the services of Shri H.M. Chandrashekar w.e.f. 25-1-1994 is justified? If not, what relief he is entitled to ?”

2. Since in both the above said cases the facts and point of law and the reliefs are identical and the management is common in both the disputes, to avoid common repetition, they have been clubbed together recording common award is being passed.

3. In CR No. 120/97, it is the case of the first party that he was appointed on daily wages w.e.f. 31-3-89, initially, getting wages of Rs. 15/- and was getting daily wage of Rs. 25/-. His services were continued right from the date of joining up till 22-11-93 on which day, the management refused work to him orally; that he has put in more than 240 days of service continuously and worked for more than 4

years and therefore, the refusal amounts to retrenchment in as much as the management failed to follow the mandatory provisions contained under Section 25 F of the ID Act and therefore, he is entitled for all benefits. His next contention was that he was working on the existing vacancy and therefore, the management instead of regularizing his services, illegally, terminated his services and therefore he is entitled for reinstatement, back wages and other statutory benefits.

4. The first party in CR No. 145/97 raised the same contentions as raised by the first party in CR No. 120/97. The only additional contention taken by him is that he worked with the management continuously for about a period of 5 years from 31-3-89 till 25-1-94 on which day he was refused work by the management.

5. The management has filed separate Counter Statement in both the cases and the common grounds alleged by the management resisting the claim of the first party workmen are that the services of the workmen were being utilized by the management only on specific days to discharge certain limited functions of gardening and up keeping of the premises before the commencement of business hours of the bank. The work assigned to them was casual in nature not requiring more than an hour each day. After attending to such work, the first party workmen were free to seek employment elsewhere, their presence not being required in the bank. The question of appointing and terminating the services of the workmen therefore, does not arise; that even otherwise the services rendered by the workmen have never exceeded more 90 days in any calendar year and that they have not worked continuously for a period of 240 days or more in any of the calendar year and therefore, the management was not obliged to fulfill the requirements of Section 25F of the ID Act and that it was not a case of retrenchment.

6. During the course of trial, the management in connection to CR No. 120/97 examined two witnesses as MW 1 and MW2 and got marked documents at Ex. M1 to M3. The first party examined himself as WW1 and got marked 2 documents at Ex. W1 and W2.

7. Pertaining to the case in CR No. 145/97, the management examined one witness and whereas, the first party examined himself as WW1 and got marked 3 documents at Ex. W1 to W3.

8. My learned Predecessor after due trial of the proceedings and after hearing the learned counsels for the respective parties passed a common award dated 22-9-99, rejecting the reference and that was challenged before the Hon'ble High Court by the first party workmen in Writ Petition No. 41002 to 41003/1999 and the Hon'ble High Court by their decision dated 27-9-01 set aside the award and remanded the matter back to this tribunal for fresh disposal in the light of the orders made in. The management however, challenged the decision on Writ Petitions by way of Writ appeal No. 7051/01 and the first party workmen challenged the above said decision by filing a Writ Appeal No. 3840 to 3841.02. Both appeals came to be dismissed by

the Hon'ble High Court confirming the order passed in the above said Writ Petition giving opportunity to the parties to lead further evidence, if any, in the matter.

9. Subsequent to the remand of the case, the management examined one more witness by filing his affidavit evidence and he was cross examined on behalf of the first party workmen in both the cases. However, there was no fresh evidence led on behalf of the first party workmen after the remand. The statement of MW1 examined in CR No. 120/97, in his examination chief, relevant for the purpose is that he was giving evidence on the basis of the records showing that the first party worked as a temporary sub staff on some occasions. They have not maintained records relating to Casual Employees and have produced before this tribunal the records at Ex.M1 the extract of the Attendance Register at Ex.M1 and Extract of Salary paid to the workmen at Ex. M2 showing the number of the working days worked by the workmen and the wages paid to them. He stated that as per the said records, workmen worked for 53 days in 1991, 37 days in 1992 and 89 days in 1993. He then spoke to the document at Ex.M3 to show that services of the workmen are not regularized. He stated that there are two methods of appointing the sub staff. The first method is securing the names from Employment Exchange who have got eligibility such as Age, Educational Qualification and other requirements. The other method is selecting the persons who worked as a temporary staff for not less than 240 days in a year and it is done on the basis of availability of post and seniority among the category.

10. MW2 examined in Cr.No. 145/97 has stated that the first party who worked from 1988 to September 1990 while he was working as a Manager of Hassan Branch. Referring to the statement at Ex.M3, he stated that first party worked during 1991 to 1993 attending the work of Cleaning and Gardening. He stated that the first party never worked more than 240 days in any given year. He also repeated the two methods as spoken to by MW1 for the purpose of appointment of casual workers. MW3 said to be the Assistant Manager of Hassan Branch as noted in both the cases filed affidavit evidence and almost repeated the various contentions taken by the management in their Counter Statement. He however, had made a further statement by saying that the vouchers at Ex.W1 produced by the workmen in both the cases cannot be considered to compute the period of 240 days as the first party workmen were employed for temporary work of gardening and cleaning of the bank premises not for the whole day but for a fraction of an hour.

11. The statement of first party workman in CR No.120/97 is almost the replica of his averments made in the Claim Statement. His Statement in nut shell is that he worked under the management from 31-3-89 to 20-11-93 on which date his work was stopped. He referred to the vouchers produced by him at Ex. W1 pertaining to the year 1993 and certificate at Ex.W2 to speak to the fact that he worked during the year 1991, 1992 and 1993. However, with a rider that Ex.W2 does not reflect whole of the period of services rendered by him. He then stated that he has worked for more than 240 days in a given year. Similar is the

Statement of first party workman in Cr. No. 145/97. He also produced 10 vouchers marked at Ex.W1 series and the two certificates at Ex.W2 and W3 issued by the Management Authorities to show the period of services rendered by him with the management bank.

12. Learned counsel for the respective parties have submitted their Written Arguments. In his argument, learned counsel for the first party workmen more or less repeated the case of the first party as made out in the Claim Statement and also referred to the oral testimony of WW1 in both the cases, the documents produced by them and so also the oral testimony of MW1 to MW3 and the documents produced by the management. His tenor of arguments to put in nut shell is that testimony of the workmen speaking to the fact that they have worked continuously for a period of more than 240 days in a given year during the period of 4 to 5 years has remained unshaken except to suggest that they have not worked under the management for a period of 240 days continuously in any calendar year. With regard to the testimony of MW1 to MW3, he contended that they have no personal knowledge of the facts and their evidence is a hearsay evidence not to be acted upon. In support to his argument, learned counsel for the first party workmen relied upon the following four decisions :

1. A.I.R. 2003 SC 3553
2. A.I.R. 2001 SC 672
3. 2005 SCC Page 183
4. 2001 LLJ Page 72

13. Whereas, the arguments for the management are to the effect that the first party workmen was engaged as a Casual labour to do the work of Gardening and up keeping of bank premises being paid daily wages ranging from Rs. 15 to 25 and the work attended by them hardly took a fraction of an hour. The management again contended that in none of the year the workman worked for more than 90 days much less 240 days or more in a calendar year and this fact has been proved by the management by oral as well as documentary evidence and on the other hand has been disproved by the workmen themselves in their own documentary evidence to be read quite contrary to their oral testimony. It was contended that no appointment order was issued to the workmen and there has been no termination of their services they being engaged only as a daily charged casual workers. Learned counsel took support of the following 7 decisions to probe his point.

1. 2005 LLR Page 235
2. 2004 (8) Page 161
3. 2004 (8) SCC Page 262
4. Vol. 90, FJR Page 360
5. Vol.3, FJR Page 148
6. 1998 (6) SCC Page 165
7. 1998 (4) LNN Page 293

14. After having gone through the records, I do not find substance in the arguments advanced for the first party workmen. It is the case of the management in the evidence of MW1 to MW3 that the banking institution has got two methods in appointing a temporary sub staff. One is to secure the names of the candidates through Employment Exchange having regard to the Age, Educational Qualification and other requirements and the Second is to bring on panel the list of daily wagers who worked with the management for the period of 240 days and more so as to be appointed against the available vacancy in the bank. There is absolutely no denial of the fact by the first party workmen that these are the two methods adopted by the management bank in appointing the daily wagers. It is not in dispute that names of the workmen were not sponsored through Employment Exchange to be appointed by the management and it is admitted by the workmen themselves that they have not received any appointment order. It is again not in dispute that names of the workmen were not brought on the panel for having worked for a period of 90 days or 240 days or more in a particular calendar year. The case of the First Party workmen on the other hand is that they in fact have worked for a period of 240 days or more in a given year during the aforesaid period of 4 to 5 years continuously and they have been paid wages against the work done by them. Now therefore, the question to be gone into would be whether the first party workmen have worked for a period of 240 days or more in a particular calendar year and that their services were terminated on 22-11-93 and 25-1-94 respectively? Their main contention is that their services have been abruptly discontinued on the aforesaid dates without any notice and payment of compensation allowance as provided under Section 25 F (a&b) of the ID Act and therefore, it is a case of illegal retrenchment. We have to appreciate their contentions in the light of the provisions of Section 25B & 25F (a&b) read with section 2(o) of the ID Act.

15. As argued for the management though both the first party workmen in their deposition before this tribunal have maintained to say that they have worked during the aforesaid period of 4 to 5 years and that in each calendar year they have continuously worked for a period of 240 days or more but their testimony instead of being supported by any documentary evidence has been falsified by their own documents produced and marked before this tribunal.

16. In CR No. 120/97 as noted above, two documents were marked. Ex. W1 series are the charge vouchers for the year 1993. Details of the working days as per the above said vouchers has been given by the first party by filing a memo and that would show that in between the months of January, 1993 and June, 1996, the total working days come to 147 days. As per the service certificate at Ex. W2 once again produced by the workmen himself, between July, 1991 and December, 1991 the first party worked for 53 days, between January, 1992 and June, 1992, he worked for 34 days and between February, 1993 and November, 1993 he worked totally for 197 days. Perhaps he worked for another 32 days subsequent to June, 1993 and therefore, the figure came to 179 days for the year 1993. These are the

two documents produced by the first party workmen himself and therefore, his oral testimony contrary to the above said documentary evidence will carry no weight or evidentiary value in the eye of law. Therefore, as could be seen from the above said documents, the first party never worked for a period of 240 days continuously in any of the above said calendar years. In order to substantiate the fact that his termination amounts to illegal retrenchment in the light of the above said provisions of law a heavy burden was cast upon the first party to at least substantiate the fact that he worked for 240 days or more in the year 1993 i.e. the year immediately preceding the date of his alleged termination. Similar is the case with the workman in CR No. 145/97. He relied upon two certificates at Ex. W2 and W3 and the charge vouchers, 10 in numbers at Ex. W1 series. He has also given details of the days worked by him as per Ex. W1 and that would reveal that he worked for a total period of 79 days during the year 1992. The certificate at Ex. W2 would reveal that during the year 1988, he worked for 30 days, in the year 1992 he worked for 90 days and between the period from 14-2-93 to 25-1-94 which is relevant for the purpose, he worked hardly for 178 days. The certificate at Ex. W3 shows that he worked for 30 days from 16-5-87 to 20-6-88, (it ought to have been 20-6-87). Therefore, in the case of this workman also it can be seen that he did not work continuously for a period of 240 days or more in a period of 12 calendar months preceding his alleged date of termination i.e. 25-1-94.

17. As against this apart from the oral testimony of MW1 to MW3, the management produced 3 documents at Ex. M1 to M3 in CR No. 120/97. Ex. M1 and M2 are the extract of Attendance registers and the extract of salary paid to the workmen in this case and on a perusal of the said two documents it can be seen that the working days for the year 1991 were 53 days, for 1992, 37 days and 1993, 89 days. Genuineness of these documents is yet to be challenged by the first party workmen.

18. Coming to CR No. 145/97 the management relied upon his statement at Ex. M3 showing the number of days worked by the first party workman. Its veracity was not disputed by the workman. A reading of the said statement shows that the first party worked for 30 days, 50 days, 40 days and 89 days for the year 1988, 91, 92 and 93 respectively. Of course the above said statement giving all the details of the days worked during the year 1993 goes against the very details given in certificate at Ex. W2 for the year 1993-94 but that itself will not help the case of the first party workman to demonstrate the fact that he worked for 240 days or more in a particular calendar year.

19. Learned counsel in his written arguments stressed on the point that the application filed by the first party workmen summoning the original records such as charges Account file, Attendance Register and Salary vouchers for the year 1989-94 though was allowed by this tribunal, the management failed to produce them and therefore, adverse inference shall have to be drawn against the management holding that had those records been produced, they would have helped the case of the first

party workmen. First of all the above said contention of the first party workmen is not wholly correct. The management in response to the order passed by this tribunal as seen above, has produced the extract of the attendance register and the extract of salary register, however, it has not produced charges account file on the ground that it was in respect of almost all the expenditure incurred by the bank towards the cost and charges incurred by it and therefore, the record being bulky cannot be produced. This being the case, it will not be proper for this tribunal to draw any adverse inference against the management. Their Lordship of Supreme Court in a decision reported in (2004) 8 SC cases 161 referred to supra and cited on behalf of the management made it clear that it was for the Claimant workman to show that he had in fact worked for 240 days in a year preceding his termination and that a simple statement made by him in this regard cannot be regarded as a sufficient evidence. Their Lordship, further observed that mere non production of muster roll for a particular part of the period concerned is not sufficient to hold that the workmen had worked for 240 days, as claimed. Therefore, in the instant case mere non production of charges Account file will not give a right to the first party workmen asking this tribunal to draw adverse inference against the management particularly, when the management in response to the Application filed by the workmen did produce the other two important records to prove the file in question. The principle laid down by their lordship of Supreme Court in the various cases cited on behalf of the first party workmen noted above will not apply to the facts of the present case. In a decision of Nilajakar case workers were engaged as casual labourers for discharging temporary job under a project and since there was lack of proof on the part of the management that termination of employment fell within Section 2(oo) (bb) of the ID Act, termination held to be illegal retrenchment, which is not applicable to the facts of present case.

20. In the case of Vikarampandey Clerk employed in cooperative bank on adhoc basis, his continuous service was extended for over 3 years with small motivated breaks here and there and therefore, termination was held to be illegal. The facts involved in the present case do not give any scope for the application of the principle laid down in the said ruling. In the case of Rajesh Kumar, the management failed to challenge the correctness of list showing the names of the workmen and therefore, holding that finding held on evidence by the labour court was not to be interfered. In the instant case we have no evidence on the part of the workmen, any documentary evidence to suggest that they have worked for 240 days or more in a particular calendar year.

21. In the case of Deepchandra, there was a finding to the effect that the employee had put in more than 240 days of service in each year for several years and therefore, termination was held to be in violation of Section 25F of

the ID Act. Whereas, in the instant case there is no evidence that workmen worked for 240 days in each year much less in a year immediately preceding their termination.

22. On the other hand the principle laid down by their Lordship of Supreme Court in the case of Rajasthan State Ganganagar S. Mills Ltd referred to supra, cited on behalf of the management would apply to the facts of the present case on all its fours. As noted above, their lordship have made it clear that the burden to prove the fact that the workmen worked for 240 days in the year preceding his termination is squarely cast on him. Making it further clear that his mere statement in this regard is no sufficient evidence. Their Lordship further as noted above, ruled that non production of muster roll by the management was not a circumstance fatal to its case as the burden of proof cast upon the workmen. In the instant case the situation is almost the same. Here again except the oral testimony of the workmen referred to supra, no other evidence to suggest that they have worked for 240 days in the year preceding their termination. Therefore, even assuming for a moment that the management refused work to the workmen on the aforesaid dates given by them, it cannot be a case of illegal termination or illegal retrenchment. The workmen in this case cannot take the support of the provisions of Section 25 F (a & b) read with Section 2(oo) of the ID Act as discontinuation of their services did not amount to illegal retrenchment. In the result their claim must fail and references are answered accordingly.

AWARD

Reference in CR No. 120/97 and in CR No. 145/97 stand dismissed. Copy of the award may be kept in CR No. 145/97.

(Dictated to PA transcribed by her corrected and signed by me on 28th July, 2005).

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 9 अगस्त, 2005

का.आ. 3092.—राष्ट्रपति, श्री पी. एल. नार्बर्ट को दिनांक 1-8-2005 (पूर्वा.) से अगले आदेशों तक, केन्द्रीय सरकार औद्योगिक न्यायाधिकरण-सह-श्रम न्यायालय, एर्नाकुलम के पीठासीन अधिकारी के रूप में नियुक्त करते हैं।

[सं० ए-11016/03/2004-सीएलएस-II]

पी. के. ताम्रकार, अवर सचिव

New Delhi, the 9th August, 2005

S.O. 3092.—The President is pleased to appoint Sh. P.L. Norbert as Presiding Officer Central Govt. Industrial Tribunal-Cum-Labour Court, Eranakulam, w.e.f. 1-8-2005 (FN) until further orders.

[No. A-11016/03/2004-CLS-II]

P. K. TAMRAKAR, Under Secy.